

COUNCIL MEETING

SEPTEMBER 11, 2019

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair Ross Kagawa at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, September 11, 2019 at 8:36 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable KipuKai Kuali'i
Honorable Ross Kagawa

Excused: Honorable Arryl Kaneshiro

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda, as circulated, seconded by Councilmember Kuali'i.

Council Vice Chair Kagawa: Is there any discussion? Is there anyone wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: The motion is carried. Clerk, next item, please.

SPECIAL ORDER OF THE DAY.

C 2019-194 Communication (08/22/2019) from Councilmember Chock and Councilmember Kagawa, transmitting for Council consideration the following measure for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package:

- A Bill for an Act Relating to the Employees' Retirement System, to amend Hawai'i Revised Statutes (HRS) Section 88-21.5(a) by reducing the amount of overtime that can be considered "compensation" for the

purpose of calculating retirement benefits by fifty per cent (50%) of overtime earned after June 30, 2020 for those who are members before July 1, 2012.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Vice Chair Kagawa, we do have one (1) registered speaker.

Council Vice Chair Kagawa: Thank you.

Councilmember Chock moved to approve C 2019-194 for inclusion in the County of Kaua'i Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package, seconded by Councilmember Kualii.

Council Vice Chair Kagawa: As you all know Chair Kaneshiro is absent. His vote was a "no." Today, if we should come to a 3:3 tie again, then I would ask to vote again and I will be changing my vote, because if we have a 3:3 tie that would mean there is four (4) against. I do not believe in wasting our staff's time when we have a vote against. That is my plan. Let us see how the chips fall. Councilmember Cowden.

Councilmember Cowden: I spoke to a number of different people, some were union people, and I looked at The Constitution of the State of Hawai'i (Constitution). In the Constitution, Article 16, Section 2, regarding the Employees' Retirement System (ERS), it says, "Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired." It sounds like it is against the Constitution to make this request the way we have framed it. Is that correct?

Council Vice Chair Kagawa: Councilmember Chock.

Councilmember Chock: Just for the record, we did vet this to the ERS officials. They in turn have had conversations with the Attorney General and they believe it can stand up in court. We are not taking away the benefit; we are changing the benefit. We have a County Attorney if you feel more comfortable getting an official opinion on the County-level, that is what I suggest you do.

Councilmember Cowden: Okay. I think it probably needs to be looked at, at the State-level.

Council Vice Chair Kagawa: It will definitely be vetted at the State Legislature, should this Bill even reach their committee. They have attorneys on staff as well. In support of Councilmember Chock, what I would say is if you were to go retroactively and take away benefits, I would say that you are correct. When you

are going forward and setting a date forward, it is about each government entity's ability to pay and that is why the legislative bodies have latitude to go forward and amend any contract going forward. As long as it is not going retroactively, and I believe that is the position of the Courts, because we are a government agency and we have latitude. If not, we would not have any say over labor. That is where I stand. You know, it is a far-fetch that this would even have a chance at the Legislature, but again, Councilmember Chock proposed this knowing that we have a big *puka*, an eight million dollar (\$8,000,000) *puka* in our budget going forward next year. He does not have the answer to where we are going to find that whether it be tax increase or tax relief, and that is why he is trying to do his part to propose options. If you do not like the option, then you just vote "no," and that is all I can say on this matter. Councilmember Cowden.

Councilmember Cowden: When I am looking at it and what is difficult for me is I know we have a number of County employees married to other County employees and when I have been watching even just recently I went to Kaua'i Community Correctional Center (KCCC) and seeing how people work two (2) and three (3) shifts, that means sixteen (16) and twenty-four (24) hour shifts, which is unimaginable to me that people would be asked to work like that. I am probably going to change my vote because I am really uncomfortable with the level of pressure that we are putting on some of our staff and the consequences for them on that. It is not an easy issue for me at all because we have an untenable situation. We definitely need to push it forward to the Legislature to be looking at it, but I am just not sure that is exactly the right place to put it.

Council Vice Chair Kagawa: Councilmember Brun.

Councilmember Brun: I thought I was the "deciding vote;" if she did not change, but I am going to be voting "no," just to put that upfront right now.

Council Vice Chair Kagawa: Thank you. It seems like it is 2:4, but with that, let us take public testimony first, have discussion, and have the vote.

Ms. Fountain-Tanigawa: Our registered speaker is Alice Parker.

There being no objections, the rules were suspended to take public testimony.

ALICE PARKER: Good morning, Alice Parker, for the record. I feel very strongly about this. I think that pensions...employees should not spike to get more pension benefits. This means that some played the system to their benefit and those who are innocent and honest people do not do that; they follow the system. I worked with a woman who would call in sick on a Wednesday and we were in a crunch, so we were working overtime on Saturday and she would come in on Saturday. I protested to the manager. Finally, if she called in sick on Wednesday,

she did not work overtime on Saturday. There are people who know how to play the system and unfairly penalize the rest of them. I think it should be a fair playing field for all. Thank you.

Council Vice Chair Kagawa: Thank you. Is there anyone else wishing to speak on this matter?

BRUCE HART: For the record, Bruce Hart. First, if all, including me had time to think about it, things are introduced and that is when we first hear about it. We all have been thinking about it. I have sat through more than one (1) budget hearing and an eight million dollar (\$8,000,000) *puka* is something serious and it is on the horizon. It is coming and it is unavoidable. To not prepare for, it is irresponsible. The primary function of this body is the budget. You have to balance the budget. You have to provide the money. Again, I want to commend both Council Vice Chair Kagawa and Councilmember Mason Chock, because they had the courage to bring it forward. We saw how tenuous it is. It is difficult. The reality of the budget is that most of it is wages and salaries. Without those wages and salaries, you do not have any employees and without the staff, this entire thing does not function. The only thing we can do is continue to work at these problems, but not just talk about it, we have to make some sort of change. If we keep pushing it and pushing it, it will be like what was talked about at the last meeting. We will not have to pay for it so much, as future generations and you probably do not think, because this is something new. I can show you a place in the Bible where this happened three thousand (3,000) years ago and we become debt slaves. It is really hard on not just this County, but the entire State and the entire Nation. It becomes a very difficult tenuous situation whenever you are a servant to the lender. You tend to do what the lender says, you have to. Thank you.

Council Vice Chair Kagawa: Thank you. Is there anyone else wishing to speak on this? Seeing none.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Final discussion. Councilmember Chock.

Councilmember Chock: First of all, thank you to fellow Councilmembers for allowing the discussion to occur and at least approving it for the discussion. I want to make clear that this proposal does not take away overtime whatsoever. This is not saying that anyone who works for the amount of time that they are asked to over and above that they would not be compensated. What we are asking here in this proposal is for us to all take a piece in this looming issue of being underfunded, in the next few years. Everyone after 2012 has taken that up, which means every single employee who has been hired after 2012 is being responsible in

order to contribute to that. The question is, how can we all be more responsible? Every single employee pre-2012 and everyone else, broadly, in contributing to, that means the community, contributing to this looming eight million dollars (\$8,000,000) deficit. I can tell you that in my time here, we have not been able to pass any budget without more than two hundred thousand dollars (\$200,000) to three hundred thousand dollars (\$300,000) of cuts. To consider or think that we will find that money through unfunding our annual budget is unrealistic and therefore the only way these funds will come to light will be through taxes. I believe it is an important discussion for us to have in how it is we all problem-solve towards it and how each of us, every single employee, and every single community member takes part of the solution. I understand where this is going. I will say that this was brought to our attention through a few presentations that came from the ERS and their officials. They helped to work on this, they provided the parameters that say this has a legal muster to stand up, and is something we should be looking at. I do see this coming back, maybe not right now. Right now the economy has been well enough for us to see the projections are looking fairly good, but that is not consistent and we know that. We know that we may very well see a downturn in our economy and how we will come back from this twenty-five (25) years of unfunded liability is a question that we all need to ask ourselves. I look forward to other options and how it is we can do it. Thank you for the discussion.

Council Vice Chair Kagawa: Thank you. Is there anyone else?
Councilmember Evslin.

Councilmember Evslin: I just want to express my appreciation again to Councilmember Chock and Councilmember Kagawa for bringing this up. It is so important that we talk about spiking and it is so important that we talk about our sort of future fiscal shortfall. You folks are right to say, "If not this, then what?" The challenge is on all of us to say, "Then what." I think the value of bringing this up is as far as the spiking is concerned is that we should be talking about spiking at any opportunity, right? Every time someone is spiking, that is a cost on all County taxpayers, because we are all being penalized for it. The money is coming from somewhere. Even if it is coming from a department's budget, that is lower levels of service that that department could have been providing. As I said briefly the last time, I am not voting in support of this because I do think it is too blunt of an instrument for the problem that we are facing here. If we want to combat spiking, then we combat spiking. Managers should be held accountable for that and we need to do exactly what Councilmember Kagawa here is doing, which is bringing it up at every opportunity, because it is not okay to do. I really appreciate you folks bringing this up, pushing us forward on this, but because of sort of the "blunt" aspect of this, because I do not necessarily think it is fair for someone who signed a contract and came to the County with a certain expectation. I do not think it is fair for us to go back on that and I do not think it sets a good precedent; therefore, I will be not voting in support.

Council Vice Chair Kagawa: Thank you. Is there further discussion?
Councilmember Kualii'i.

Councilmember Kualii'i: My position has not changed. I will be voting against this as well. I disagree on the point that it is constitutional, I believe it is not constitutional and I think the one thing that makes that clear is when you talk about the difference between the retirement system before 2012 and the difference after 2012, that is honoring the Constitution. They made changes to reduce the benefits and they made it apply to only new employees. By changing this retirement benefit, which when an employee comes to work for our County, that is part of their compensation. They are looking at their retirement. The majority of the employees are probably in the middle to lower pay range, so that retirement is an important part of their compensation that they are going to earn over time and look forward to that when they do retire and rely on that when they retire. To change this benefit, even though you are saying you are changing it on the piece of their benefit that they are earning going forward, it is still the benefit that they were entitled to from the day they were employed. This is not the same thing where you are distinguishing between new employees hired after 2012 and the former employees before 2012. I strongly believe it is not constitutional. I also believe that this is a matter for the different mayors of the different counties and their administrative negotiating teams, because it is a collective bargaining matter. It should be negotiated in collective bargaining by negotiating teams. When the representation of the workers come to the table with management, they give and take, and that is how they end up with what they end up with in the contract. Yes, it is a benefit and it needs to be negotiated, not by this body or by the Legislature, but by the negotiating team. Like what Councilmember Evslin said spiking is a problem and there are abuses, so let us go right at the abuses and not change the entire system. It is like when one (1) of your children does something bad and then everyone pays, the six (6) kids get punished. Go after where the abuses are and fix that. I believe that we are doing that. We have an audit that is specifically focusing on spiking. We have brought this up in budgets before, we have cut overtime budgets, not significantly to millions of dollars, but significant enough that the Administration and those department directors who have spiking problems are trying to address it. We have gotten commitments, especially in the last budget session, notably from Fire to work on that, because that is where the worse abuses were. Spiking is a problem, we are working on it, I think we can do more, but this is not the way to do it and I am not supporting this.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: Again, this is really a difficult one for me to know which side of this to be on. When I look at our overtime, I think that it would be really important when we get our software up for Human Resources (HR) that we can be on top of it to know when we are hitting all these overtime elements. Part of the problem is we do not have an easy way to track this ahead of time. Thank you.

Council Vice Chair Kagawa: I can tell you what to do, you can follow us since you are not sure. The fact of the matter is ERS and our obligations are a problem. Every year we have Thomas Williams come here before us to give us an update on where we stand and every year we are more blown away than the prior year about how it is getting away from us. It is going up eight million dollars (\$8,000,000) a year or whatever and it is all unexpected. We do not expect these large jumps, but it should be expected, right, because look at the State. We are down eight million dollars (\$8,000,000) in the hole right now as we speak and we are trying to figure out what we are going to do about next year. Eight million dollars (\$8,000,000). Do you know how deep the State is? Thirteen billion dollars (\$13,000,000,000) behind. If they were a business and not government, they would be bankrupted a long time ago. To say that we do not need to make big changes when you are thirteen billion dollars (\$13,000,000,000) in the hole, to not have to make big changes, I think that is the only way you can fix the problem. You need to make big changes that act like a business. It is very difficult to do that when you are in government because here we propose some big change and then all the unions say, "We are not going to support you," and this and that. Well, do you know what? I do not care about the union vote because I am not going to run anyway. I am finally doing the right thing. The unions can talk all you want, but I am not going to run anyway. I do not care. Even if I were to run, I am not going to ask you for your support, because I know I not going get it anyway, so I laid it out there. What I am trying to do is I am trying to speak for all the people who do not work for the government. All the children who do not have a job yet and worried about whether they can remain on Kaua'i—those are the people that I worry about. If they do not have anything to benefit from by keeping things the same and keep watching the State stay billions of dollars in deficit for their retirement obligations, it is sad. For the State government...this thing would probably go to the State Legislature and they would say, "What a bad idea," and all the unions telling them how much of a bad idea it is, but do you think they made enough bad ideas, because they have watched the State go to a thirteen billion dollar (\$13,000,000,000) deficit. Like I said, if the State was a business, they would be bankrupted. Big Save would have bankrupted them a long time ago, because there is no way you can run a thirteen billion dollar (\$13,000,000,000)...and the federal government is even worse. They are twenty-three trillion dollars (\$23,000,000,000,000) in the hole. They do not have to worry because they can print money. The State cannot print money. The County cannot print money. The federal government...especially with Trump, they do not care. They just print money. If we are broke, print some more money. They treat money like it is toilet paper. Sad. My last comment, I see the firemen, police, and water safety—it is September 11 (9/11), I just want to thank you for all you do for the island. This had nothing to do with this subject, but we are very humbled and honored that you folks protect people every day, so *mahalo*. With that, I am voting "yes." Is there further discussion? Roll call, please.

The motion to approve C 2019-194 for inclusion in the County of Kaua'i Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package was then put, and yielded by the following vote:

FOR APPROVAL:	Chock, Cowden, Kagawa	TOTAL – 3,
AGAINST APPROVAL:	Brun, Evslin, Kualii	TOTAL – 3,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kagawa: Like I said, I am going to honor my vote to move this item...3:3 means...if Council Chair Kaneshiro was here, it would have been a 4:3, it would lose. It should lose. Can we revote? Can we have a short recess?

There being no objections, the Council recessed at 8:39 a.m.

The meeting was called back to order at 8:50 a.m., and proceeded as follows:

Ms. Fountain-Tanigawa: The next item is on the Consent Calendar for receipt, C 2019-196.

CONSENT CALENDAR:

C 2019-196 Communication (07/31/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Katherine Lewi Otsuji to the Board of Review – Term ending 12/31/2021: Councilmember Kualii moved to receive C 2019-196 for the record, seconded by Councilmember Chock.

Council Vice Chair Kagawa: Is there any discussion? Is there anyone from the audience wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2019-196 for the record was then put, and carried by the following vote 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Can we move to the Mayor's request?

There being no objections, C 2019-200 was taken out of order.

COMMUNICATIONS:

C 2019-200 Communication (08/22/2019) from the Mayor, transmitting for Council consideration the following measures for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2020 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Registration of Vehicles, Amends Hawai'i Revised Statutes (HRS) Section 286, to allow the Director of Finance to require payment of outstanding charges owed to the County for towing, removal, or disposal of an abandoned or derelict vehicle within the County before renewal or issuance of a Motor Vehicle Certificate of Registration; and
- A Bill for An Act Relating to Tort Liability, to provide an exemption from Tort Liability for the State and Counties arising from Lifeguard Services, except for Gross Negligence, Wanton Acts, or Omissions.

Councilmember Kualii moved to approve C 2019-200 for inclusion in the County Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package, seconded by Councilmember Cowden.

Council Vice Chair Kagawa: I will suspend the rules. Mayor.

There being no objections, the rules were suspended.

DEREK S.K. KAWAKAMI, Mayor: Vice Chair and Councilmembers, thank you for having me. It is an honor to be in your presence. Really quickly, thank you for entertaining this piece of legislation that we would like to propose with all of you. Basically what it does is it amends Hawai'i Revised Statutes (HRS) 286 and authorizes the Director of Finance to be able to collect on cost incurred for towing of abandoned vehicles. I think we are all cognizant of the issue at hand. It is getting worse and not improving. We truly believe that with this measure being passed, it would give us another tool in our tool box to be able to cut down on some of these abandoned vehicles. Basically, before issuing another motor vehicle registration, that person would have to be cleared of any cost incurred for towing expenses. These towing expenses can be exponentially high. Right now the burden is being shouldered by every other taxpaying citizen on our beautiful island for the clean-up and quite frankly we do not think it is fair. I will be here for any questions that you folks may have.

Council Vice Chair Kagawa: Are there any questions? Councilmember Cowden.

Councilmember Cowden: When people are charged this, does this happen when they register and does every car owner pays that or is it after-the-fact? If they get towed, then they pay.

Mayor Kawakami: I think the way the Bill is written is if someone were to go in for another motor vehicle registration under their name and something flags...this is not a perfect piece of legislation just because some of these abandoned vehicles are very hard to track. Like you folks have been entertaining recently...because there is an ambiguous situation where we do not know if it was the buyer or the seller who is at fault, you have these gray areas. These are for the cases where we can clearly track back the vehicle identification number (VIN) to either the previous owner and at that time, they would be required to pay those expenses in order to move forward with the ownership of a new vehicle or used vehicle.

Councilmember Cowden: Thank you.

Council Vice Chair Kagawa: Councilmember Chock.

Councilmember Chock: Thank you, Mayor. I appreciate you working on this issue with the Council. I just wanted to clarify, because I know that commercial vehicles have become an issue as well and the illegal dumping of them. Will this also cover them as well in their registration process? To be clear, all registrations, commercial or not.

Mayor Kawakami: Councilmember Chock, you bring a good point for me to think about. Quite frankly, I am not sure. I have to review HRS 286, but I do not want to say something that may or may not be true at this time, so we will go take a look back at it. If this should be include, like every other piece of legislation, if it goes through the legislative process, we will have some time to submit some testimony for some amendments to address the commercial vehicles as well.

Councilmember Chock: Thank you.

Council Vice Chair Kagawa: Councilmember Evslin.

Councilmember Evslin: Thank you for working on this and bringing this to us. I am in full support and I know from talking to Finance and Kaua'i Police Department (KPD) that this is something they were pushing for. My only question is, what is the current mechanism for trying to collect on a citation or towing fee and why can we not collect on those?

Mayor Kawakami: Councilmember Evslin, Council Vice Chair Kagawa, if it is okay, can I bring up someone from our team that may be able to answer that question better than I can?

Council Vice Chair Kagawa: Yes.

REIKO MATSUYAMA, Director of Finance: Good morning, everyone. Reiko Matsuyama. Currently, the only mechanism we have is KPD will send them a letter. We do not really have enforcement to collect from them.

Councilmember Evslin: Is that for any unpaid parking ticket or speeding ticket?

Ms. Matsuyama: Parking tickets, I believe, are already included in the Bill as it is written now. We have more leverage on that. We have a mechanism to track these...all the letters that have accumulated over the years and if we have the ability to prevent them from basically doing any type of transaction at Motor Vehicle, that would help prevent, as the Mayor said.

Councilmember Evslin: I lived in California and I was speeding. I did not realize...when I went back home for the summer, I was in college. I received a letter in the mail for a warrant for my arrest for an unpaid speeding ticket. So, California has a pretty strong mechanism for enforcement, I paid that ticket that day—I was that terrified.

Council Vice Chair Kagawa: Councilmember Kualii.

Councilmember Kualii: What you are saying, too, if this was to become law, not only would we be dealing with the abandoned vehicles going forward, but you have records of what we have been able to collect. When those individuals come in to register any vehicle to try and move forward, the only way they would be able to do it is pay the back amounts owed, correct?

Ms. Matsuyama: That is the intent. To be clear, “I” do not have the records on me, KPD has all the records as they are the ones who manage this.

Councilmember Kualii: I think that is a good point. Thank you.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: I just wondered I know a number of people came in to get their driver’s licenses renewed because of unpaid tickets...and where I see this is I pick up hitchhikers all the time and I just repeatedly deal with this when I picking people up and they do not have a driver’s license, and seeing how it

unfolds their lives. I am in agreement that we need to hold people accountable who are abandoning their cars, it is a real problem. I am just having a little bit friction as I am realizing the people who leave their cars on the side of the road are the people who bought a seven hundred dollar (\$700) car and then it is at the end of its life or it was given to them, and then there it is what is left of it on the side of the road. It is all of our problem. But when we lay this on them, which seems fair to everyone else, we are going to be creating yet another circumstance where these people are not going to have a job, because they cannot get to work and the whole cycle of poverty is going to be there. I wonder if either of you can speak to that. Have you given that thought? I struggle through this.

Ms. Matsuyama: The only comment that I would have is that the contract that the County has with the Resource Recovery Solutions in Puhi, they allow for an individual to bring three (3) cars per year for free.

Councilmember Cowden: Okay.

Ms. Matsuyama: Yes, they will probably need to pay for the towing charges to get there, but they can dump the car there legally for free.

Mayor Kawakami: Furthermore, Councilmember Cowden, and thank you for mentioning that, but it is a slippery-slope when we start making accommodations for people who litter and refuse to follow the rules and the laws that we have. We are not in the position to pick and choose who we waive off on some of those penalties, but we do realize that transportation is a social justice issue and that is why we are also moving forward to really support our Transportation Agency to make sure we have a robust public transportation system. For whatever which reason you cannot drive your own personal vehicle, whether you cannot pay the fines that you incurred to get a driver's license or you cannot afford a vehicle, we do realize that transportation is a social justice issue, so thank you for raising that.

Council Vice Chair Kagawa: Are there further questions? Seeing none, thank you, Mayor. While the rules are still suspended, is there anyone wishing to testify on this? Bruce. Hang on. I apologize, Mayor.

Mayor Kawakami: No problem.

Council Vice Chair Kagawa: Can you talk about the second measure?

Mayor Kawakami: The second measure is something that I think we are all very familiar with. What it does is it extends the tort liability for our first responders and today would be a good day to bring it up being that it is 9/11 and our Ocean Safety Bureau is a part of that team that puts their lives at risk. We are asking the State to indemnify our first responders, our Ocean Safety Bureau, and lifeguards.

Not only for State beaches, which has been a challenge, the State has come back to say that, "We are going to require the Attorney General to defend some of these cases," and it just does not sit well with us. We are going back to the Legislature to not only ask for the indemnification for our County lifeguards who are out there protecting State beach parks, but just in general in their line of work. They are subjected to adverse conditions and we just want to provide some level of protection of those who are in charge with protecting all of us.

Council Vice Chair Kagawa: Councilmember Chock.

Councilmember Chock: It is an ongoing issue for us and it is very important for us at the County-level. I was just checking with staff and my understanding is that this did pass through the State Legislature at the last session, but was vetoed. Is that correct?

Mayor Kawakami: I am not sure. All I know is that it...I try not to pay too much attention to what is going on up there because it can be mind-blowing, but I take your word for it and I am not sure why it was vetoed. We can take a look at the justification sheets.

Councilmember Chock: The reason why I brought it up is that I know that HSAC hired lobbyists the last session and they got a lot of feedback in terms as how it is we should move forward. Strategically, I think it being a shared interest for every other County that we probably need to focus in where the biggest challenge is and it seems like we need to meet with the Administration on this, as I do imagine.

Mayor Kawakami: Sure. Thank you.

Council Vice Chair Kagawa: Are there further questions on this item? If not, thank you.

Mayor Kawakami: Thank you. To the hard-working Council Services Staff, thank you for your hard work. Thank you Councilmembers.

Council Vice Chair Kagawa: Is there anyone wishing to speak? Come up, state your name, and you may begin.

ROGER RIDGLEY: My name is Roger Ridgley. I am the owner of A Tow In Paradise. I am here on this abandoned vehicle measure and there is a couple things going on. You are looking for ways to alleviate some of these problems and one of them could be is when you sell a car, you should have the owner and the buyer go down to the Department of Motor Vehicles (DMV) together and sign over the piece of paper. That way you will eliminate who owns what vehicle. A lot of times when I do the abandoned cars, which I am going to phase out very shortly because of what is

going on. We get the last registered owner and when we contact him through the registered mail that we have to send him, they reply that they sold the car. If you go down to the DMV, they say, "No, they are still the registered owner," so you have a problem there. The other way to eliminate that, too, is when you sell a car and a lot of other States do this...when you sell the car, you take the license plates off the car, so that the only way that you can put that car between the buyer and seller back on the road is if the buyer has license plates to put back on the car. That is another way. What is happening right now and I am speaking on my behalf, when I pick up an abandoned car, I have to "by law" hold it for thirty (30) days, put it in the newspaper the thirty-first (31st) day that I can legally dispose of it. For me to legally dispose of it, I put it in my name, but now what is happening is for me to do that, they are charging me the back taxes on that abandoned car. I went to a meeting before and they said to do a waiver form. The waiver form is right here, but it does not exonerate me if the owner of the car comes back and wants his car back. It exonerates the County, but it does not exonerates the towing companies. In HRS 290-11 what all the links I have to do to get that car to a point where I can collect some money that I am not collecting or removing the car, it is for me to be able to sell that car. For me to be able to sell that car and not be able to get that car in my name, it says, "Will you sell it under a bill of sale," but without it being under my name, I cannot sell that car if there are back taxes on it. That is what they are charging; they are charging them back taxes. This is one of your major problems, because a lot of people cannot afford to pay the back taxes, so the first thing they do is dump the car. You might want to look into that. As far as I am concerned, I cannot afford to do the abandoned cars anymore because I should not have to pay the back taxes on a car that I am saving the County money on. First of all, I am picking up the car.

Council Vice Chair Kagawa: Your time is up. Is there anyone want to speak on this? I will give you another three (3) minutes.

Mr. Ridgley: With me having to pay the back taxes on a car, it is not financially feasible for me to pick up the abandoned cars, so therefore what is going to happen is that owner is going to push the car on the street and now the County has to pay for it. When I pick up the abandoned cars, I am saving the County the initial tow of picking up the abandoned cars, but now if you penalize me and say that I have to pay the back taxes, then it is not worth me doing it. Before, we used to be able to get rid of the cars with a waiver form without having to pay the back taxes, but now down at Puhi Recycling, unless you have the proper paperwork, which would be the ownership paperwork from DMV, you are charged a seventy-five dollar (\$75) fee to dispose of the vehicle. Now with this waiver form and the way that things are going now, it is not only losing space in storage, I am losing on the initial tow, but now I am losing on the tow back to Puhi and seventy-five dollars (\$75) to dispose of the car. So, you are going to find more abandoned cars on the road.

Council Vice Chair Kagawa: Thank you. Are there any questions for Roger?

Councilmember Cowden: (Inaudible).

Council Vice Chair Kagawa: Yes. I think it is relevant because he is directly affected with his towing company.

Councilmember Cowden: Incredibly interesting for me because I had no idea. How much do you charge for towing of that abandoned car?

Mr. Ridgley: It depends on what part of the island it is.

Councilmember Cowden: Hā'ena.

Mr. Ridgley: You are looking at two hundred fifty dollars (\$250).

Councilmember Cowden: That is not bad. Two hundred fifty dollars (\$250) is what we are paying you when you are done?

Mr. Ridgley: Right.

Councilmember Cowden: And so you paid the back taxes, stored it, and you are getting two hundred fifty dollars (\$250)?

Mr. Ridgley: Can you say that again?

Councilmember Cowden: You getting two hundred fifty dollars (\$250) and all the rest of that is what comes out of your costs; the storage...

Mr. Ridgley: No. It is two hundred fifty dollars (\$250) to remove the car from there and take it to my storage and then I have to hold it for thirty-one (31) days.

Councilmember Cowden: Do you charge for the thirty-one (31) days?

Mr. Ridgley: I cannot charge for it because it is an abandoned car, unless the owner comes and wants to reclaim the car. Ninety percent (90%) of the cars that I pick up are not reclaimed.

Councilmember Cowden: Who calls you to pick up those cars?

Mr. Ridgley: It depends. It could be the hotels, a private person who has a house that was a rental and the people left the car at the rental.

Councilmember Cowden: Are these private entities and not the County?

Mr. Ridgley: Right.

Councilmember Cowden: Thank you.

Council Vice Chair Kagawa: Are there any further questions?
Councilmember Evslin.

Councilmember Evslin: Just so I get it right, you said in the past you could drop it at Puhi Metals Recycling Facility and sign a release on it...

Mr. Ridgley: With the waiver form.

Councilmember Evslin: And then a policy changed and now if the car is not registered to you, you have to pay seventy-five dollars (\$75)?

Mr. Ridgley: No. Now, if they do not go to the DMV and get the paperwork, which is called "Certificate of Salvage," then they have to do a waiver form and that is seventy-five dollars (\$75) to get rid of the car.

Councilmember Evslin: Was that a policy change on the County's side?

Mr. Ridgley: I guess it was your side, yes.

Councilmember Evslin: Okay, thank you.

Council Vice Chair Kagawa: Are there any further questions? Seeing none, thank you.

Mr. Ridgley: Thank you.

Council Vice Chair Kagawa: Next speaker.

Mr. Hart: For the record, Bruce Hart. I wanted Roger to speak because I knew it would be informative and so there is going to be a need for a policy change. I am familiar with some of what he testified to, but not all of it. In regards to the package that the Mayor has put together, I am in support of it. I am in agreement with the Mayor and the Finance Department. The way I put it is probably the most important thing, certainly one of the most important things you

can teach a child is responsibility. It is unfortunate that there are people that grow up and I mean this sincerely from my heart, they were not taught responsibility. Then we run into problems and we have to deal with that and the best thing we can do it lovely teach them responsibility and one (1) of the ways to do that is make them financially liable for their irresponsibility. I do not believe that all of society is responsible for every person who, as the Mayor said, "Litters." I have seen it. I have lived here forty-six (46) years and I have seen this problem for forty-six (46) years, abandoned vehicles. I sympathize with the fact the there are people whose finances are very tight, but as they said they have three (3) freebies and they need to find a way to get it to the recycling center on their own. It is a good package, it worked just the way it worked. When I went to get my license renewed, there was a red flag on mine. I would appreciate a streamlined system. It was pretty much a nightmare, but I did not grumble. I did not know about it, but it was there and I had to take care of it, so I think everyone ought to take care of it. Thank you.

Council Vice Chair Kagawa: Alice.

Ms. Parker: Alice Parker, for the record. I am sure you know what I am going to say. Owning a car is not an inalienable right. We need an expanded public transportation system, so people do not have to depend on individual cars. That would help the climate; that would help everyone. Let us get rid of our cars, mine is about to exit anyway, and let us have an expanded transportation system that gets to places so everyone can use public transportation. Can you imagine if everyone drove in New York City? Nothing would happen. Of course that is how I grew up, but I was not driving either.

ALIX ERIE: Alix Erie, for the record. Definitely there needs to be a better tracking system. It was recognized that having both people together at the same time might be a problem, but taking the plates off at the time of selling should definitely be implemented. That would make it so that if someone did not register their car, then immediately a policeman could stop them. They do not see a plate on the car and they stop them. When people go down to register their car, they need to have insurance and when they do that, most major insurances have roadside assistance, which is very cheap. It is like three dollars (\$3) a month and in that, there is free towing. We could continue tracking to make sure that people still keep in track of their cars every year with the safety inspection stickers and the registration, and have a database that tracks if the people have actually done that. If someone has lapsed, then fines go out. That is all I have to say. Thank you.

Council Vice Chair Kagawa: Is there anyone else who would like to speak on this issue? Seeing none, I will call the meeting back to order. Councilmember Evslin.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Evlsin: I am in support of it. I know this is a complicated system with a lot of moving parts and this is just a piece of it. The other piece is certainly the accountability portion, which we were working on and I know that the Administration is working on. I really appreciate the Department of Finance, KPD, and the Office of the Mayor being proactive with this and I think it is obviously something we all get bombarded with complaints about abandoned vehicles and it seems insolvable. It is partially because the County is working in a system designed by the State, right, so we have no room in order to fix it except going through these mechanisms. I appreciate this effort. For me, as I come to understand a large number of the chronic offenders are commercial entities. It is infuriating that a commercial entity would be...because they have to pay a commercial tipping fee if they are dropping off, that they are abusing the system by abandoning their cars instead. We need to do everything that we can to crack down on that. I know this is one (1) avenue to do that and I think it is a good start.

Council Vice Chair Kagawa: Councilmember Kualii.

Councilmember Kualii: I heard the concerns of the tow company and I hope that when someone brought up the concern...I think it was Councilmember Chock about car rental companies and commercial companies, that when the Mayor follows up that he looks at commercial companies in general that their vehicles could also be abandoned and what have you. Also when they are looking at that, look at a way to exempt or remove tow companies who are actually operating to remove the cars. They are not renting cars or...to look at that as well and fix it.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: If we are discussing both, on the second measure with the tort liability for our lifeguards, double thumbs up on that one. I think we definitely need that to go through. For the first measure, I am going to support it. I sure appreciate what we just heard from the private towing company and we need to work on your issue there because it sounds like it is a little separate from what this piece is going through to the State. The concern that I had about those who are economically disadvantaged, if they get three (3) free disposals of a car, they should be able to figure out a way to get the car there. I am supporting both.

Council Vice Chair Kagawa: Is there further discussion? On the second measure regarding the lifeguards, that has been in our package for a while. We have had Mayor Victorino a lobbyist at one point for HSAC, as well as Mr. Pacopac, and it has been difficult to get what this Bill ask. There are a lot of confusion as to what we are asking for and yes, it is going to be difficult to get that one passed, but it is always

good to keep that in because we want immunity from lawsuits for our lifeguards who are protecting State beaches and what have you. We want to see the State take that responsibility off the worry of getting sued for acts on those State beaches and protecting safety. That is something we want, but we have actually struck out on that same bill and request for the past six (6) years that I have been on Council; it has always been in our package. Is that to say that we should give up after six (6) years? If it is an item that is going to help us, then there is no hurt in keeping it in and trying to keep asking for something. I wish our Kaua'i delegation can help us a little more on that. I will be a supporting vote. With that.

The motion to approve C 2019-200 for inclusion in the County Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

C 2019-193 Communication (08/15/2019) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration the following measures for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2020 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Highway Safety, to place the responsibility on the seller of a motor vehicle to properly report, in a timely manner, the transfer of ownership of such vehicle to the director of finance; and
- A Bill for An Act Relating to Highway Safety, to establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles.

(Councilmember Brun was noted as not present.)

Councilmember Chock moved to take the two (2) Bills ad seriatim, seconded by Councilmember Evslin, and carried by a vote of 6*:0:1 (**Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Kaneshiro was excused*).

Councilmember Kualii moved to receive A Bill for An Act Relating to Highway Safety, relating to the transfer for ownership of a motor vehicle, for the record, listed as the first bullet point, seconded by Councilmember Chock.

Council Vice Chair Kagawa: Is there any discussion?

Councilmember Chock: In discussing this with Councilmember Evslyn, if we could have Chief Raybuck discuss and give us a little direction on...I know this is an issue that we are continuing to work on and I appreciate your presence here today.

Council Vice Chair Kagawa: Chief Raybuck.

There being no objections, the rules were suspended.

TODD G. RAYBUCK, Chief of Police: Good morning, Honorable Vice Chair and Honorable Members of the Council. I appreciate the opportunity to speak to you this morning. First and foremost, I would like to thank you all for starting the conversation on abandoned and derelict vehicles. As we heard from the public and the Office of the Mayor and formerly also the Director of Finance and KPD, we have a significant issue with abandoned and derelict vehicles and the impact fiscally that it has on the County and our taxpayers. As we have already discussed and you may have read in *The Garden Island* newspaper, it costs the County taxpayers more than four hundred thousand dollars (\$400,000) a year to address this issue. Since taking over the abandoned vehicle program in 2016, KPD has expended five hundred thousand dollars (\$500,000) in addressing abandoned vehicles. As we have heard in the earlier public testimony, there are a lot of layers to this onion to peel back and a lot of opportunity for us to try and close the loopholes in the law that can hold people accountable and address this scenic blight and fiscal impact that it is having to our taxpayers in our County. I just wanted to thank you this morning, I wanted to tell you that KPD appreciates the opportunity to work with Council, Council staff has been tremendous in assisting us with this, the Office of the Mayor, and the Director of Finance. I am here to tell you that I continue to support your efforts to address this loophole and I just wanted to say thank you this morning for your time.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: I want to thank you for working on this and for taking on the task. It has been handed to you, but doing it well...I have a couple of questions. We talked about this the last time, but who picks up the derelict vehicles that are on State land? Does that come down to the County Police Department? Do you folks look after that?

Mr. Raybuck: The County does not remove vehicles from State land. Who is responsible for that, I cannot answer that right now.

Councilmember Cowden: Okay.

Mr. Raybuck: I also want to give credit where credit is due—

Chief Begley, the Director of Finance, as well as the Council Services Staff have really been carrying this ball forward. It was not me; I am just the face that gets to deliver the message.

Councilmember Cowden: Is it something you can tell us if you see a good way or is this still coming up of how we can create a title change, like if we can use two (2) stubs. I do not agree with the idea of changing the license plates, because that is one (1) more thing we are going to have to store somewhere, which is really difficult, more than what most people would realize.

Mr. Raybuck: If the license plates were turned in...is that what you are asking?

Councilmember Cowden: We had that recommendation, so we are going to be hearing future...is that correct? Is that what the plan is on how to create the right way to turn over the transfer title?

Mr. Raybuck: I can tell you what I have been accustomed to for the last thirty (30) years.

Councilmember Cowden: Okay, cool, because that is what I am really asking.

Mr. Raybuck: In the State of Nevada, as you heard testimony from the tow truck owner earlier, you are required to remove the license plates at the point of sale. That reduces a lot of things. It keeps people from buying a vehicle and driving it without insurance, without registration, without legal responsibility and fiscal ownership of the vehicle. I would support removing license plates at the time of sale. How those license plates are disposed, is up to the County and/or the State. I would support that. I think it prevents people from driving around and it also incentivizes the current owner to get to DMV to get a registration or a temporary moving permit or a temporary registration until they can get the vehicle registered.

Councilmember Cowden: Does that same plate go to the next owner or does it get thrown away?

Mr. Raybuck: No.

Councilmember Cowden: Is a new plate initiated?

Mr. Raybuck: A new plate is initiated. It is required by law that those plates be turned in to DMV. Now, that does now always occur, but that is what the law requires.

Councilmember Cowden: Okay. Thank you.

Council Vice Chair Kagawa: Are there further questions? Councilmember Evslin.

Councilmember Evslin: Thank you for coming today. We are receiving this today because we had heard that you folks would be working on something separate as far as the transfer goes. Is there something that could be forthcoming?

Mr. Raybuck: Yes. There are some modifications that currently are in the County Attorney's hands for review. As we continue to craft the language, we will be submitting something additional.

Councilmember Evslin: Great. Thank you so much.

Council Vice Chair Kagawa: Are there any further questions? If not, thank you, Chief.

Mr. Raybuck: Thank you.

Council Vice Chair Kagawa: Thank you for your leadership here. Let us vote on the first measure. Is there any discussion?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to receive A Bill for An Act Relating to Highway Safety, relating to the transfer for ownership of a motor vehicle, for the record, listed as the first bullet point was then put, and carried by a vote of 6*:0:1 (**Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next measure.

Councilmember Chock moved to approve A Bill for An Act Relating to Highway Safety, relating to removing the lesser annual charge to U-drive motor vehicles, which appears as a certificate of registration fee, for inclusion in the County Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package, seconded by Councilmember Evslin.

Council Vice Chair Kagawa: Is there anyone wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

(Councilmember Brun was noted as present.)

Council Vice Chair Kagawa: Is there any discussion? Councilmember Evslin.

Councilmember Evslin: I just want to briefly say that I heard some feedback after this was in the newspaper and publicized elsewhere and I think there were some misconceptions that we are looking at increasing registration fees for everyone. That is clearly not what this does. All this is doing is allow us to make rental cars have an equal fee. Rental cars are being charged a maximum of one dollar (\$1) as governed by the State per year for registration, whereas residents can be charge up to ten dollars (\$10), but the County is only charging five dollars (\$5). All this does is it makes those two (2) amount equal. The reason for this is because as we come to understand there is a large number of commercial vehicles, rental cars that are being abandoned and that means we are all subsidizing that because we are not recovering that from their registration.

Council Vice Chair Kagawa: Councilmember Chock.

Councilmember Chock: As this moves forward, my hope is that because we have a package of amendments from the Kaua'i Legislative Package, from KPD, and this measure, if we can present it to HSAC in its total, I think it would get more support more widely.

Council Vice Chair Kagawa: Is there further discussion?

The motion to approve A Bill for An Act Relating to Highway Safety, relating to removing the lesser annual charge to U-drive motor vehicles, which appears as a certificate of registration fee, for inclusion in the County Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: I have an intention of disposing of the Special Order of the Day item that we had a 3:3 tie. I am going to cite Rule No. 5(g), I am going to be changing my vote and we are going to dispose the item. I ask that if other Councilmembers, Councilmember Cowden and Councilmember Chock can also change your vote on the item. Only because I believe Councilmembers Evslin and Kualii have heard enough of me on this issue. They are hoping that in two (2) weeks they do not have to hear the same speech again.

Councilmember Chock: Just for transparency, what is Rule No. 5(g)?

Council Vice Chair Kagawa: Rule No. 5(g) allows us to change our vote.

Councilmember Chock: Okay. *Mahalo*.

Council Vice Chair Kagawa: On "Special Order of the Day" items, Rule No. 5(g) allows us to take a revote if any Councilmember wants to change their vote and I am going to be changing my vote. Councilmember Kuali'i.

Councilmember Kuali'i: What is the motion that you need and who can make the motion?

Council Vice Chair Kagawa: The Clerk will read the item again and we are going to ask for the same motion and I am going to change my vote.

Ms. Fountain-Tanigawa: Chair, this is the Special Order of the Day, C 2019-194. You cited Rule No. 5(g) which allows an explanation of the vote and for you to change your vote with unanimous consent of the members present.

Council Vice Chair Kagawa: In order for this Rule to go into effect, we need a unanimous vote. We should take a roll call to implement Rule No. 5(g).

Councilmember Chock moved to implement Rule No. 5(g), seconded by Councilmember Kuali'i, and carried by the following vote:

FOR MOTION:	Brun, Chock, Cowden, Evslin, Kuali'i, Kagawa	TOTAL – 6,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Councilmember Chock moved to withdraw the motion to approve C 2019-194 for inclusion in the County of Kaua'i Legislative Package and approve to forward the measure to HSAC for inclusion in the HSAC Legislative Package, seconded by Councilmember Kuali'i.

Councilmember Chock moved to receive C 2019-194 for the record, seconded by Councilmember Brun, and carried by the following vote:

FOR RECEIPT:	Brun, Chock, Cowden, Evslin, Kuali'i, Kagawa	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(Councilmember Chock was noted as not present.)

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Vice Chair Kagawa: Thank you. Next item, please.

C 2019-197 Communication (08/15/2019) from the Executive on Transportation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 17A, Kaua'i County Code 1987, As Amended, Relating To County Bus Fares, And Adding A New Chapter, Relating To County Bus And Paratransit Code Of Conduct: Councilmember Kualii moved to receive C 2019-197 for the record, seconded by Councilmember Brun.

Council Vice Chair Kagawa: We will have the Bill coming up later, but did you folks want to briefing now? Later?

Councilmember Cowden: What briefing?

Council Vice Chair Kagawa: Celia's. Let us do it later. Is there any discussion? Is there anyone wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2019-197 for the record was then put, and carried by a vote of 6*:0:1 (**Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

C 2019-198 Communication (08/15/2019) from the Executive on Transportation, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- Payroll/Timesheets (Timesheets and Leave of Absence forms from July 1, 2008 through June 30, 2012)
- Weekly Schedules/Daily Change Forms (Driver/Dispatch/Mechanic Weekly Schedules and Daily Change Forms for Payroll from July 1, 2010 through June 30, 2012)
- Severed Employees (Employee Files that resigned or were terminated from July 1, 1995 through June 30, 2010)

- Budget Files (All Budget Proposals and Related Documents from Fiscal Year (FY) 2001 through FY 2008)
- Fixed Asset Disposal (Disposal paperwork up until FY 2012 from FY 2000 through FY 2012)
- Fixed Asset Inventory (Fixed Asset Inventory up until 2009 from FY 2004 through FY 2009)
- Legal Documents-(2 boxes) (Lawsuit for AnQuin 2010 for 2010)
- Grants 5310 & Federal/State (Federal and State (5310) Grants from 1997 through 2004)
- UPW Strike (UPW Strike of 2000 for 2000)
- Paratransit Files (Miscellaneous Paratransit Files from 1995 through 2008)
- Single Audit Reports (CAFR) (Audit Reports (CAFR) from 2000 through 2008)
- CIP Contracts (Capital Improvement Projects from 2006 through 2008)
- Bus Bids (Bus Bids and Bid Specifications from 2006 through 2007)
- Administrative Documents (Miscellaneous documents from 1994 through 2009)
- Fuel Receipts (Fuel Receipts for FY 2012 and July 2012)
- Grant Audits (Grant Audit Files for FY 2012)
- Baseyard Office Contracts (Contracts for Baseyard Office and Facility from 1999 through 2010)
- Driver Shifts (Shift Selection Sign Up and Work Schedules for FY 2004 through FY 2012)
- Interview Materials (Expired Interview Materials and Applications for FY 2002 through FY 2012)
- Salary/DPS Circulars/Union Documents (Salary Documentation Purchasing Circulars Union Documents from 1994 through 2009)
- Paratransit Client Files (Client Application and Files from 1996 through 2012)

Councilmember Brun moved to approve C 2019-198, seconded by Councilmember Kualii.

(Councilmember Chock was noted as present.)

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: I am just going to briefly make a comment because I know when I have attended meetings a lot in the past, I always thought, "Why are they tossing all these records, why not keep them," but it takes up a lot of physical space to where we have overwhelming warehouse full of information and it impedes current function of the government. Thank you.

Council Vice Chair Kagawa: One would say that with records, seven (7) years is quite long, but it is some Internal Revenue Service (IRS) type of guideline and we abide by that. Of course, we still have a process at the County-level that if it goes beyond seven (7), they still have to come for approval to dispose. They are doing their jobs and this is just a process step that the Council, if they wanted, could say, "We want to keep records for longer than that," but normal practice in every State and County government agencies, I think is that seven (7) year requirement. With that, does anyone have questions for the Transportation Agency? Seeing none. Go ahead, we will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

Ms. Erie: I would just ask is there going to be a manner of keeping these record digitally or keeping some of the statistics, some of the important data, and that could also create more jobs.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2019-198 was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

C 2019-199 Communication (08/21/2019) from the Deputy County Engineer, requesting Council approval to accept a donation from Elemental Excelsior of four (4) Juicebox Pro 40c electric vehicle chargers valued at \$999.00 each, for a total of \$3,996.00, which will be utilized by the Department of Public Works, Roads Division to replace existing broken chargers which will be attached to existing pedestals in the Piikoi Parking Lot, the donation is exclusive of the following:

- \$10.00/month software cost per charger; and
- Estimated shipping costs of \$150.00.

Councilmember Kualii moved to approve C 2019-199 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Vice Chair Kagawa: Is there any discussion? Is there anyone wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kualii: I have a quick question.

Council Vice Chair Kagawa: Go ahead, Councilmember Kualii,

Councilmember Kualii: I do not know who would it be asked of?

Council Vice Chair Kagawa: Deputy County Engineer.

There being no objections, the rules were suspended.

Councilmember Kualii: In your memorandum you said this will be replacing existing broken chargers at the Piikoi Parking Lot and attached to existing pedestals.

LYLE TABATA, Deputy County Engineer: Good morning, Council Vice Chair and Councilmembers. Lyle Tabata, Deputy County Engineer, Department of Public Works.

Councilmember Kualii: How many are there in the Piikoi Parking Lot?

Mr. Tabata: We have a total of five (5). This will replace several that are damaged, but also our present town core Transportation Investment Generating Economic Recovery (TIGER) project will add another thirty-nine (39) chargers.

Councilmember Kualii: Will these four (4) replace four (4) of the five (5) that are damaged and there will be more added as well with the TIGER grant?

Mr. Tabata: Yes.

Councilmember Kualii: There is this thing about this ten dollar (\$10) a month software, but you are saying you are not going to be using it at this time, so that means you would not be having that charge. It seems like...and I may be totally wrong, but this Elemental Accelerator or even eMotorWerks want the data, so how are they going to get the data if you are not going to implement the software?

Mr. Tabata: I will have Doug Haigh response. He is working directly with Ben Sullivan on this grant and the supplier.

DOUGLAS HAIGH, Chief of Building Division: There is no obligation to provide them data and to connect. They will get the data that we have them in place and they will get data how it is performed, the longevity, that sort of information.

Councilmember Kualii: Okay, thank you.

Council Vice Chair Kagawa: Councilmember Evslin.

Councilmember Evslin: Did you say thirty-nine (39) more with the TIGER?

Mr. Haigh: Just to clarify that, with TIGER...I am Doug Haigh, County of Kauai, Department of Public Works, I apologize. We are putting

in nine (9) actual chargers, but some of them will be quads, and so there is mix there that we have not finalized yet.

Councilmember Evslin: Okay, thank you.

Council Vice Chair Kagawa: Are there further questions? Seeing none. Is there anyone wishing to testify on this?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2019-199 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Let us take a 10-minute caption break.

There being no objections, the meeting recessed at 11:48 a.m.

The meeting reconvened at 11:57 a.m., and proceeded as follows:

Council Vice Chair Kagawa: Thank you, Councilmembers. Next item.

C 2019-201 Communication (08/27/2019) from the County Attorney, requesting Council authorization to expend funds up to \$50,000.00, to retain Special Counsel to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations: Councilmember Chock moved to approve C 2019-201, seconded by Councilmember Brun.

Ms. Fountain-Tanigawa: Chair, we have an Executive Session scheduled for this item. Are we able to move onto C 2019-202?

Council Vice Chair Kagawa: Thank you.

There being no objections, C 2019-202 was taken out of order.

C 2019-202 Communication (08/28/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$27,055.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2019 Local Solicitation Grant, to continue employment of the 1.00 Full-Time Equivalent (FTE) Process Server to continue process serving for the Office of the Prosecuting Attorney, purchase office supplies, and allow officers of the Kaua'i Police Department to attend training sessions. The grant will commence October 1, 2018 through September 30, 2022: Councilmember Kualii moved to approve C 2019-202, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Are there any questions? Do you have a question?

Councilmember Cowden: Yes.

There being no objections, the rules were suspended.

Council Vice Chair Kagawa: Welcome back, Yvette.

YVETTE SAHUT, Administrative Services Officer: Thank you. Good to be back. Yvette Sahut, for the record.

Councilmember Cowden: I have a very simple question for clarity. Twenty-seven thousand dollars (\$27,000) and this is from 2018 through 2022, so this is a continuance of a grant?

Ms. Sahut: This is a reoccurring grant that we get annually. The amount you see here, twenty-seven thousand fifty-five dollars (\$27,055) is for this Fiscal Year (FY) and as you can see it will cover our Process Server's salary for about only four (4) months. Next FY, we will also get appropriated an amount.

Councilmember Cowden: So this is a supplement to what it costs?

Ms. Sahut: For our Process Server?

Councilmember Cowden: To have that Process Server.

Ms. Sahut: It is not a supplement. We get the grant funds and whatever we cannot cover in grant funds for that position, we use general funds.

Councilmember Cowden: Okay. Therefore, the overall grants like one hundred eight thousand dollars (\$108,000) over four (4) years, roughly?

Ms. Sahut: Yes, roughly.

Councilmember Cowden: Thank you.

Council Vice Chair Kagawa: Are there further questions? Councilmember Kualii.

Councilmember Kualii: I was just wondering why it says, "FY 2019"? Currently, we are in FY 2020, so those are funds from last year that is being expended this year? I am sure it has to deal with their grant cycle being different from ours.

Council Vice Chair Kagawa: I think you are correct.

Ms. Sahut: Yes, I think it is the timing of when the grant is awarded and then now the funds are being released to us.

Councilmember Kualii: Thank you.

Ms. Sahut: You are welcome.

Council Vice Chair Kagawa: Can you double-check?

Ms. Sahut: Sure, I will double-check.

Council Vice Chair Kagawa: If it is the wrong date, we can note the correction somehow.

Ms. Sahut: Sure.

Council Vice Chair Kagawa: Thank you. I believe it is correct, it is a different Fiscal Year. With that, are there any further questions for Yvette? Thank you, Yvette. Is there anyone to wish to testify on this?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none.

The motion to approve C 2019-202 was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Next item please.

Ms. Fountain-Tanigawa: Next item is on page 5.

C 2019-203 Communication (08/28/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend an increase of \$11,658.00, from \$199,727.00 to \$211,385.00, for contract 16-DJ-07, from the State of Hawai'i, Department of the Attorney General, to continue the Sexual Assault Prosecution Unit to April 30, 2020: Councilmember Kualii moved to approve C 2019-203, seconded by Councilmember Chock.

Council Vice Chair Kagawa: Are there any questions for the Office of the Prosecuting Attorney? Is there anyone wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Is there any further discussion?

The motion to approve C 2019-203 was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Next item please.

Ms. Fountain-Tanigawa: Next item is a Legal Document.

C 2019-204 Communication (08/26/2019) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Līhu'e Town Core Mobility and Revitalization Project – TGR-0700(073):

- Property Adjustment Agreement by and between the County of Kaua'i and Carvalho Enterprises Inc., 4302 Rice Street, Tax Map Key (TMK) No. (4) 3-6-003:014; and
- Property Adjustment Agreement by and between the County of Kaua'i and Satta Gumi LLC, 2991 Umi Street, TMK No. (4) 3-6-007:024.

Councilmember Kuali'i moved to approve C 2019-204, seconded by Councilmember Brun.

Council Vice Chair Kagawa: To the Councilmembers and the public, I would like to inform you that this is not an item that you are able to grumble about regarding what is happening with the TIGER Grant. With regards to what is happening on Rice Street, this is not the appropriate time to complain about that. I am referring to myself. Are there any questions for Lyle? It looks like we are getting permission and property acquisitions needed to complete the TIGER Grant being worked out with their respective owners. Do you have a question?

Councilmember Cowden: I would like to make a comment.

Council Vice Chair Kagawa: Go ahead.

Councilmember Cowden: I appreciate Public Works for giving us quality drawings, diagrams, and being diligent to ensure to address all of the areas that the properties align with private landowners. To ensure that we are seeing that it is being handled in agreement with all of the property owners who are having to make adaptations.

Council Vice Chair Kagawa: I also agree. Are there any questions for the Attorney or Lyle? Is there anyone wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none. Is there any further discussion?
Seeing none.

The motion to approve C 2019-204 was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next item please.

Ms. Fountain-Tanigawa: Next item are Claims.

CLAIMS:

C 2019-205 Communication (08/20/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Richard Jasper on behalf of Sun Village-Kaua'i, for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2019-206 Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tamara Chapman, for reimbursement of funds due to the increase in her water bill, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2019-207 Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Waste Management of Hawai'i Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2019-208 Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance as subrogee for Dwight and Penny Matsushima, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2019-205, C 2019-206, C 2019-207, and C 2019-208 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

Council Vice Chair Kagawa: Is there anyone wishing to testify on the Claims?

There being no objections, the rules were suspended to take public testimony.

There being no one present provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none. Is there any further discussion?
Seeing none.

The motion to refer C 2019-205, C 2019-206, C 2019-007, and C 2019-208 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next item please.

Ms. Fountain-Tanigawa: Next item is your Committee Reports.

COMMITTEE REPORTS:

A report (No. CR-PL 2019-10) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2757 – A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN
(County of Kaua‘i Planning Department, Applicant)”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Is there any discussion?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none.

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (Council Chair Kaneshiro was excused).

A report (No. CR-HIR 2019-01) submitted by the Housing & Intergovernmental Relations Committee, recommending that A Bill for An Act Relating to Highway Safety, relating to the transfer for ownership of a motor vehicle, be Received for the Record, and A Bill for An Act Relating to Highway Safety relating to removing the lesser annual charge to U-drive motor vehicles, which appears as a certificate of registration to be Approved as Amended for inclusion in the County of Kaua‘i Legislative Package and approved to forward the measure as amended to HSAC for inclusion in the HSAC Legislative Package.

“C 2019-193 Communication (08/15/2019) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration the following measures for inclusion in the 2020 Hawai‘i State Association of Counties (HSAC) Legislative Package and the 2020 County of Kaua‘i Legislative Package:

- A Bill for An Act Relating to Highway Safety, to place the responsibility on the seller of a motor vehicle to properly report, in a timely manner, the transfer of ownership of such vehicle to the director of finance; and
- A Bill for An Act Relating to Highway Safety, to establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles.”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Is there any discussion? Is there anyone from the public wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none.

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

Council Vice Chair Kagawa: Motion carried. Next item please.

Ms. Fountain-Tanigawa: On page 7, Resolution.

RESOLUTION:

Resolution No. 2019-49 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Katherine Lewi Otsuji*): Councilmember Kualii moved for adoption of Resolution No. 2019-49, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Is there any discussion? Is there anyone wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none. Roll call.

The motion for adoption of Resolution No. 2019-49 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kualii, Kagawa	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Vice Chair Kagawa: Next item please.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2758) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUS FARES, AND ADDING A NEW CHAPTER, RELATING TO COUNTY BUS AND PARATRANSIT CODE OF CONDUCT: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2758) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 9, 2019, and referred to the Parks & Recreation / Transportation Committee, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Can we have the Transportation Agency provide us with an overall briefing on this Bill and why it is needed. This is to provide the public who is watching channel fifty-three (53) or online the opportunity to testify at the public hearing. If you are able to introduce yourselves, and we will open it up for questions.

There being no objections, the rules were suspended.

CELIA MAHIKOA, Executive on Transportation: Thank you. I am Celia Mahikoa, with the Transportation Agency.

JEREMY KALAWAI'A LEE, Assistant Executive on Transportation: Good morning, Kalawai'a Lee, from the Transportation Agency.

LEONARD PETERS, Program Specialist III (Paratransit Manager): Hi, Leonard Peters, from the Transportation Agency.

Ms. Mahikoa: Good morning, we would like to thank you for this opportunity to provide this briefing to the Council. This action that we are requesting consideration on is pursuant to the process that we have been going through for the past one year and one half (1 ½) to two (2) years in getting the Short-Range Transit Plan (SRTP) recommendations implemented. We would like to thank the Council for the consideration and the acceptance of the plan back in October 2017. We have been working wholeheartedly in getting the recommendations into an ordinance form. I would like to thank different individuals and entities for their assistance. If you do not mind, would you like to go over a list of individuals?

Council Vice Chair Kagawa: Celia, would you like this to go up or no? Is this only for the Council?

Ms. Mahikoa: It provides a good summary.

Council Vice Chair Kagawa: Yes, it actually looks like a great summary. Would you like that on the overhead for the public's view or are you going to just talk? Either way.

Mr. Lee: Chair, if you would like us to go into discussion, we are able too. We have a list of people that participated in the discussion to get us over the line for the SRTP, and also in review for this ordinance.

Council Vice Chair Kagawa: I believe we will have a detailed discussion in the Committee Meeting. It is backwards being that we have the public hearing first, then it will go to Committee. I want the public to have the opportunity to know what is provided here. In the Committee Meeting, we are able to have the discussion whether something is too "high" or "low."

Ms. Mahikoa: I believe the summary would provide good information for consideration if they have anything they would like to share.

Council Vice Chair Kagawa: Okay. You may proceed.

Mr. Lee: I am going to ask Leonard to go through the process on how we got to where we are in terms of the ordinance generation.

Mr. Peters: We have partnered with a lot of agencies in the County. In particular, the Office of the County Attorney, the Kaua'i Police Department, the Office of the Prosecuting Attorney, and the County Americans with Disabilities Act (ADA) Coordinator, to come up with the bill structure. There were outreach efforts done where we partnered with the Department of Parks & Recreation do conduct site visits with the eight (8) Senior Centers from Kekaha to Kīlauea. We also partnered with the Agency of Elderly Affairs, and had various meetings. We participated in the Aging Americans Festival, and we recently participated in the Dementia Friendly Symposium. We also had various meetings with Easter Seals, the Foster Grandparents of Kaua'i, and the Kaua'i Adult Daycare. We are also actively involved with the monthly meetings hosted by the Kaua'i Developmental Disabilities Committee. We will be hosting an informational table at the upcoming Legislative Forum in October.

Mr. Lee: Thank you, Leonard. We can go through that to exemplify the 360-view that we are trying to take with involving community engagement, engagement with our partners within the County, and the key stakeholders that are needed to help to deal with the enforcement and prosecution, if needed. As we present this to the Council, it is also a refresher for us regarding the path that we have been on over the course of the years since 2017 and the adoption of the SRTP. All of the suggestions that were put in the summary of the ordinance is in one hundred percent (100%) alignment with the goals and objectives that you folks help to craft in the SRTP. We did not deviate; with the exception of one (1) location where data proved differently where we decided to keep an element of our fair structure intact. If you wish, I am happy to generally go through the core elements of where we are with the plan for ordinance form. When we look at the paratransit side of our operations, it was heard clearly that this is one (1) area to begin to look at ways to keep the costs stabilized and help to rein in the service to truly serve the people that need ADA Paratransit Service. We took those recommendations and put them into an ordinance form. The examples of forms they will come in is in-person assessments, fare incentives to use our fixed-route services, changes to the age...

Councilmember Chock: Are we able to put this on the screen? People will be able to follow as you are reading.

Mr. Lee: Please. What I am covering right now is the Paratransit section. The reason why I am doing this is to exemplify the reasons why we get to fare restructuring. It is a little down on the page that reads Paratransit. I need to put on my glasses, I am sorry.

Council Vice Chair Kagawa: Join the club.

Mr. Lee: Sorry to say, but this is true. Okay, fare incentives for folks to use the fixed-route that traditionally in our system used our ADA Paratransit System which makes it financially viable and attractive for them to use our fixed-route system that helps them to improve their mobility options. We also took leadership from the Council with changes to our age eligibility, in helping to align our age eligibility threshold to a National Standard that meets the needs of the community based on our ridership statistics. We also set trip limits for members of our paratransit service that are age eligible. This is helping to bring in alignment the people who are truly in need of ADA paratransit service as a core method for transportation, with the exception of medical dialysis trips and folks that are using this service to get to work. We ensured that two (2) groups were specified to not have limitations in the amount of trips they would have available.

In using the fare incentives for the fixed-route is a method for us to bring into alignment the systems fare structure for the paratransit and the discounts for fixed-routes. The goal is to increase the single ride paratransit ride fare trips for ADA to two dollars (\$2), an increase ride for non-ADA eligible riders up to four dollars (\$4), which is in alignment with the federal standards. As briefly discussed, it is our goal to have a monthly discounted fixed-route monthly pass for seniors ages sixty-five (65) and older. For folks that have disabilities and for youth riders, the goal is to encourage ridership on our fixed-route system and to make it cost effective for those who have fixed incomes. We also want to provide incentives for users to use the fixed-route mainline service, which is vastly available. We are also looking to increase the price of our annual and monthly pass, which would be in alignment with our peer agencies in helping to recover our cost ratio. The goal is to take our annual pass which the cost is currently four hundred dollars (\$400). In the first year we would increase it by one hundred dollars (\$100), in the second year we would increase it another fifty dollars (\$50), and to increase the monthly pass cost by five dollars (\$5) over the next two (2) years. The overall goal is to have the monthly bus pass cost fifty dollars (\$50). We are reviewing both the customer and the Administrative side in hopes to reduce the Administrative burden of the pass programs. It also offers a fifty percent (50%) discount to our ADA clients, seniors, and youth who frequent the system. It is also a cost effective flexible transit option within the use of fixed-route. It is a benefit for all.

It was heard clearly from the Council leadership that we need to create a flexible daily pass. The ordinance will help to encourage the department to create a one (1) day pass for four dollars (\$4) for all fixed-route systems. It also allows to create a ten (10) ride paratransit ticket book. It will eliminate the use of passes on

paratransit and help to create a pass booklet, which allows for better fare medium for our elderly clients. As previously mentioned, the fix route would establish a discount for ADA and senior fare. It would be one half (½) of the fixed-route fare structure. It would be one dollar (\$1) for a single trip for people with disabilities and are over the age of sixty-five (65). We are also looking to expand our bulk pass program. Over the years, we have seen an interest in our bulk pass program for major magnet employers, and to have the ability to opt into a program which allows their employees and clients to use the transit service.

Unfortunately, as our system grows and our ridership increases, we needed to become more defined in our Code of Conduct. This portion of the ordinance helps to codify different elements of personal conduct while riding The Kaua'i Bus. This is a safety issue for other riders, for the community, and the employees. We take safety seriously. We work closely with various groups such as KPD, the Office of the County Attorney, and the Office of the Prosecuting Attorney to vet this in various directions possible. This is mainly to establish an industry wide standard practice for our system, and to ensure safety for all individuals. It helps to give us the ability to provide enhanced safety and quality of service in our transit system by having a standard Code of Conduct for people to be made aware of and able to abide. We are trying to help with our *kūpuna*, mobility challenged individuals, and ADA clients. To be in alignment with standard practices in the industry, we are hoping to have a priority seating policy that makes it necessary for people who are occupying priority seating locations to have ADA accessible vehicles with tie down areas. If someone is sitting in this area, it would be required for them to get up and out of that seat, and provide access to the individuals who have genuine ADA mobility needs.

Council Vice Chair Kagawa: Thank you, great job. Councilmembers, let us start from the bottom and work our way up. Are there any questions on Code of Conduct? Do you have a question? Go ahead, Councilmember Cowden.

Councilmember Cowden: After reviewing the details, I feel that this is important and I appreciate it. I have heard complaints on issues that you are mentioning of a passenger harassing or hurting another passenger or hurting the staff. I know that it does not happen too often; however, even a little bit is too much. For the viewers, I want them to hear this.

Council Vice Chair Kagawa: Are there any other questions on the Code of Conduct section? Are there any questions on the paratransit section? Councilmember Evslin.

Councilmember Evslin: I am sorry, I have a question on the fare structure.

Council Vice Chair Kagawa: Okay, Councilmember Kuali'i.

Councilmember Kuali'i: There is a lot here that you are introducing. I have not read this in detail, but I am curious...it is obvious in the Code of Conduct how riders should behave. It may be written elsewhere in your policies and procedures what the responsibility will be for the bus driver in having to deal with

the Code of Conduct. I am not certain if it is written in here or if it will be addressed elsewhere? It would be interesting to see that in the future.

Mr. Lee: That is a very good question and we do address that issue outside of this document. We have internal policies and practices for our employees on how to handle difficult situations that occur on the vehicle. That is something that we review quarterly with our team.

Council Vice Chair Kagawa: I would imagine it being similar to a school bus, with the children making noise, acting crazy, and the bus driver is yelling "sit down and quiet down." No, what I am saying is that there is chaos on the bus, right? It is distracting for the bus driver and it is not safe if they are standing up or playing around.

Ms. Mahikoa: That is precisely why we feel the need to formalize this to give the drivers the ability to have the additional backup.

Council Vice Chair Kagawa: We are basically following industry standards that other counties have, and we will have the same.

Mr. Peters: We are providing our drivers with certain protocols to follow should an event present itself. As Kalawai'a mentioned, they receive quarterly training on how to deal with conflict management and difficult customers.

Council Vice Chair Kagawa: Thank you. Councilmember Evslin.

Councilmember Evslin: I have a few questions on paratransit. Thank you for coming here and thank you for being proactive with all the work that you are doing to try to expand service at a lower cost for taxpayers. Regarding paratransit, it says here increase age eligibility to sixty-five (65) years. What is the current age?

Ms. Mahikoa: It is currently sixty (60).

Councilmember Evslin: Sixty (60), okay. Is sixty-five (65) years in line with ADA standards or a national standard?

Ms. Mahikoa: It is to my understanding that in federally recognized programs, they typically apply sixty-five (65) years. In completing the study, it was also recommended by the consultant.

Councilmember Evslin: What does automatic ADA eligibility at eighty-five (85) years? Does that mean they do not receive automatic eligibility at age sixty-five (65)? Are you able to walk me through the process?

Mr. Lee: Thank you for the question. It is a complex situation here on Kaua'i. We are unique in the way that we allow age-eligible clients to use an ADA paratransit service. ADA by federal rule and definition is only for persons that is not able to access the fixed-route bus service. It was further expanded

with the availability of the paratransit service to people over sixty (60) years. Through the Council's guidance, the ordinance is moving the bar to increase the age to sixty-five (65). This is statistics based on rider usage and how many people will be affected either negatively or positively. We are trying to balance everything based on the Council and community's recommendation. This is the appropriated steps to move in the direction of becoming ADA compliant, and to align costs with our fiscal responsibilities. People will say that there is no age-eligible clients. You either meet age eligibility by law definition by fiscal capacity, or you do not and you do not utilize this service. We are unique. At age eighty-five (85), we are saying that anyone who is eighty-five (85) and older, is automatically accepted into the ADA service. We believe that threshold is when people are needing paratransit service. We are saying to our *kūpuna* that we are going to take care of you at age eighty-five (85). If you need the service, we will be here for you.

Councilmember Evslin: At age sixty-five (65), you will need to be classified as needing the service. What happens when you turn sixty-five (65)?

Mr. Lee: When you are sixty-five (65), there is an application process which you are able to apply for age-eligibleservice or ADA paratransit service. If you do not meet the threshold of "true ADA service," our system is currently designed and guided by the Council to allow people age sixty-five (65) through eighty-four (84) limited allowance.

Councilmember Evslin: In the actual bill, it states persons qualified for paratransit between sixty-five (65) and eighty-four (84) shall be allowed ten (10) trips. Does that mean when you reach age eighty-five (85), you are able to do unlimited trips? Which means, the limited trips are for ages sixty-five through eighty-four (84).

Mr. Lee: That is correct. However, with the caveat of folks age-eligible that have medical dialysis, or folks that are working and using paratransit. We would not put the limitation on these people, we deem these trips to be important.

Councilmember Evslin: Are there ways that people are able to get a variance if they are able to show that they have necessary medical trips outside of dialysis. I am not certain this situation. Is possible for someone to receive unlimited trips with a medical requirement.

Mr. Lee: We would need to review this case-by-case basis. The ordinance sets up a black and white standard for us to follow. We do realize that human nature is not clean. We would have to take a look to see if it requires further change in the ordinance to provide better definition, we will then address it with Council at that time.

Councilmember Evslin: That is all I have. Thank you so much.

Council Vice Chair Kagawa: Councilmember Cowden, you have a follow-up?

Councilmember Cowden: I had a similar question with the example of someone being seventy (70) years old, they have cancer, and receiving chemotherapy treatments. If so, they would appear in person for the assessment to receive the variation, is that correct?

Mr. Lee: There are different degrees that vary within ADA approval. If someone is in a medically fragile state, their doctor could provide temporary ADA eligibility. Under our rules, that would be acceptable as no limitations for that portion of their life. Does that answer your question?

Councilmember Cowden: Yes, it does. Thank you.

Council Vice Chair Kagawa: That was a good answer.

Councilmember Cowden: Yes, I appreciate that answer. I believe it is really important for the members of the public to be listening to this right now. We would like to hear their feedback during the public hearing. How many passengers are typically on a fixed-route paratransit bus?

Mr. Lee: If I may ask to clarify your question. We have a dedicated paratransit portion of our system and we have a fixed-route system that is ADA accessible.

Councilmember Cowden: Regarding paratransit. When we see the big busses that say paratransit, how many people typically are riding that route?

Mr. Peters: We typically average eight thousand (8,000) trips per month, which is approximately two hundred (200) trips per day. On any particular route, you are looking at eight (8) to ten (10) people per route.

Councilmember Cowden: The reason I am asking now and I have asked off the record prior, is because these are large and wide vehicles who often struggle in the neighborhoods with tight areas and dirt roads. I am receiving complaints and issues when we a person is trying to get dropped off at home, but is needing to be dropped off one and one half (1 ½) miles away. When this happens, someone else is having to leave work early to pick this person up. We begin to miss the opportunity and I am wondering if we are looking at different vehicles or purchasing smaller vehicles. Having such a large bus costs a lot of money. If there is not that many people on the bus, is that needed?

Council Vice Chair Kagawa: I believe that is a separate item from this bill.

Councilmember Cowden: Okay.

Council Vice Chair Kagawa: However, it is a valid point to have when we discuss the overall bus function and budget.

Councilmember Cowden: Okay.

Council Vice Chair Kagawa: For this discussion...

Councilmember Cowden: It is too much.

Council Vice Chair Kagawa: Yes, you are straying off a little.

Councilmember Cowden: Okay. On average, how much does it cost to do a paratransit bus ride? If we are charging four dollars (\$4), what do we actually spend?

Ms. Mahikoa: The average cost per trip is approximately twenty-nine (\$29).

Councilmember Cowden: Per rider?

Ms. Mahikoa: Per trip. If you take the annual cost of operating paratransit service and divide that by the number of trips we do, it would be approximately twenty-nine dollars (\$29).

Councilmember Cowden: Twenty-nine dollars (\$29). I want people to understand that if there is a little contraction here, it is because it is asking a lot from the bus system. This is most likely why these changes are happening, is that correct?

Ms. Mahikoa: Yes, that is correct. A good portion of what is driving the changes is to address the safety aspects, the need for a fiscal responsibility, and the ability to sustain the system into the future. Thank you.

Councilmember Cowden: Okay.

Council Vice Chair Kagawa: Councilmember Kualii.

Councilmember Kualii: May I get clarification on some of the questions that were asked. The third bullet on paratransit that talks about the ten (10) per month per person, unlimited when it is for dialysis or work trips, it is obvious that means they have ten (10) for other purposes. The fifth bullet on the top which talks about the ten (10) ride paratransit ticket booklet, it has twenty dollars (\$20) for ADA and forty dollars (\$40) for age eligible. Those amounts applies for the fare in the section below. The difference between age eligibility whether it be ADA or age eligible, it is whether or not you are able to qualify for the lower price. The limit of ten (10) is saying that you qualify for the lower price, but if you use anything beyond the ten (10), you will pay the higher price. It is twenty dollars (\$20) versus forty dollars (\$40), two dollars (\$2) versus four (\$4) dollars per trip. Do they have to get the book and tickets in order to ride, and are they only able to get it ten (10) at a time or are they able to get on the bus for two dollars (\$2) or four dollars (\$4) based on eligibility.

Ms. Mahikoa: What drives the cost of the trip is the eligibility in which you qualify for the service. Age qualification will result in a cost of four dollars (\$4) per trip, which you would use the forty dollar (\$40) booklet. The

ADA qualified individuals will be transported at two dollars (\$2) per trip which they would purchase the twenty dollar (\$20) booklet.

Councilmember Kualii: That amount in third bullet below is talking about the age-eligible and not the ADA.

Ms. Mahikoa: Right.

Councilmember Kualii: That would be the four dollar (\$4) book.

Ms. Mahikoa: The age eligibility is the...

Councilmember Kualii: What is the limitation for? Will you receive ten (10) for free and pay four dollars (\$4) on the eleventh (11th) or twelfth (12th)?

Ms. Mahikoa: No, there will be no free trips. If you are ADA qualified, you will pay two dollars (\$2) per trip or they will use their two dollar (\$2) coupon.

Councilmember Kualii: If you look at the third bullet for paratransit, it says age-eligible rider sixty-five (65) to eighty-four (84) years of age, limit age-eligible paratransit trips of ten (10) per month per person with the exception of dialysis and work trips. What is the exception if you are paying four dollars (\$4) for those ten (10) trips, you are still paying four dollars (\$4) for the dialysis and work trips. I thought it there was a difference if you are paying two dollars (\$2) versus four dollars (\$4).

Ms. Mahikoa: If you are age-eligible you will be limited to ten (10) trips per month.

Councilmember Kualii: Does this mean that you are not able to ride the paratransit?

Ms. Mahikoa: Yes, beyond ten (10) trips per month unless you are within the exception areas.

Councilmember Kualii: Is this your way of getting people off of paratransit and onto the regular bus if they are capable.

Ms. Mahikoa: Yes, it is to incentivize the fixed route use.

Councilmember Kualii: Now I get it.

Ms. Mahikoa: Yes, thank you.

Council Vice Chair Kagawa: Are there any further questions? Go ahead.

Councilmember Evslin: For the fare structure.

Council Vice Chair Kagawa: We did not reach the fare structure. Are there any more questions for the paratransit section, no? Okay, fare structure. I have a really good question for fare structure. I want to play. On the fare structure, I see a conflict. On the top bullet it says fare incentives to use fixed-route. I am looking at the second bullet, it says increase single ride paratransit fare for ADA eligible riders to two dollars (\$2). Okay, that is clear. If you look at the second to the last bullet, the fixed-route ADA senior fare, it costs one dollar (\$1) for a single trip fixed-route for a person with a disability or over the age of sixty-five (65). I am wondering why that price is not two dollars (\$2).

Mr. Lee: That is a really good question. The difference between the two (2) portions of our system, the first bullet that you referenced is for paratransit and the other is for discounted rates for those ADA and senior members for fixed-routes.

Council Vice Chair Kagawa: Okay, for fixed-route. They both state fixed-route. Is it because the wording stating paratransit fare is two dollars (\$2)?

Mr. Peters: Right now, it is backwards. Paratransit fares is one dollar (\$1) as opposed to fixed-route at two dollars (\$2). Right now, there is no incentive to ride the fixed-route.

Mr. Lee: This is for the paratransit eligible clients.

Council Vice Chair Kagawa: My light went on. Okay, next. Councilmember Evslin.

Councilmember Evslin: I am sorry, I was about to ask what it is and you just answered my question. I have another question, it says to increase single ride paratransit fare for non-ADA eligible riders to four dollars (\$4). There is a definition in here for a Personal Care Attendant (PCA). If a family member is riding with ADA or age eligible, they are pushing a wheelchair, are they automatically a personal care attendant or is there a certification process?

Mr. Peters: Yes, anytime a passenger is assisting a rider or a guest accompanying the rider and attending to medical needs, that person qualifies as a personal care attendant. If not, they would be a guest of the rider and they would be required to pay a fare ride.

Councilmember Evslin: Which is the four dollar (\$4) fare ride.

Mr. Peters: Yes.

Councilmember Evslin: Is that left to the bus driver to determine? If there is an elderly individual, his grandchild is there to help him but not necessarily...is that left up to the bus driver to determine?

Mr. Peters: Yes, in some cases. For most cases the PCA required is in the agency's profile.

Mr. Lee: At the time of booking, in order to allocate the right amount of seats to serve the community for that bus route, we ask them at the time of reservation to identify if they are going to have a PCA, an attendant, or member riding along with them. Depending on the status, the PCA will be charged a fare or will ride for the free.

Councilmember Evslin: Is there a limit of one (1) person? For example, if the grandparent wants their two (2) grandchildren to go with them, how does that work?

Mr. Peters: It is for one (1) person. Anything beyond that is based on space availability.

Councilmember Evslin: At four dollars (\$4).

Mr. Peters: At four dollars (\$4) and if it is a guest.

Councilmember Evslin: The last question I have, when it says increase in fare of four dollars (\$4), you are not able to ride the paratransit unless you are ADA, of age, or with someone who qualifies, right?

Mr. Lee: Correct.

Councilmember Evslin: Is it not likely that someone is able to take advantage of the four dollars (\$4) and wanting to use it like Uber.

Mr. Lee: No, they need to register with us.

Councilmember Evslin: Okay, thank you.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: This is a really great document. I love the increase in service and I feel it is great that you will have less out of service time. When we see buses coming back from Hanalei or the west side saying out of service is hard to understand why we would have an empty route. I am trying to understand the difference between Item 5 and Item 6. They both say add thirty (30) minute service during weekday peak between Kalāheo and Kilauea. They both say the same thing. Is there a difference?

Ms. Mahikoa: I believe the difference between Items 5 and 6 is that for Item 5, when we are saying peak service, we are typically looking at work commuter of morning hours.

Councilmember Cowden: Morning and evening, and the second item is around lunch?

Ms. Mahikoa: Yes, closer to mid-day service.

Councilmember Cowden: That is having to do with work shifts and when someone is going to work in the morning. When it says Kalāheo and Kīlauea, is that meaning thirty (30) minute...a bus in the middle is going towards Līhu'e and it would not be going towards Kalāheo to Kekaha or Kīlauea to Hanalei, is that right?

Ms. Mahikoa: Right, they are looking at...

Councilmember Cowden: Those are narrow runs in between the hours.

Ms. Mahikoa: Yes, based on the results of the consultant study of ridership, they saw that the highest demand was between those two (2) areas, and the needing to increase frequency.

Councilmember Cowden: Okay, forgive me if I have missed where it is saying the time difference. I am excited to hear that there will be hourly weekend service on both days instead of every other hour. Is that also on holidays? When it says later, what does later mean?

Mr. Lee: If you are referring to the bill when referencing another document, none of the mainline shuttle routes system improvements would be found in that ordinance. This is only specifying updates on fares and the Code of Conduct. We are speak on this at another time or offline to explain this into detail. None of that would be found in the bill.

Councilmember Cowden: Okay, I looked. I am happy to see that.

Ms. Mahikoa: The bill covers primarily what is on this portion of the page.

Councilmember Cowden: People are going to come for public testimony. Where would they go to find the details in order to review this document? If we utilized our public testimony time productively. Where are they going to find this? Is it at kauaibusplan.com?

Ms. Mahikoa: I believe we have it attached to our website. It is available on the County website under Transportation.

Mr. Lee: It was also submitted as part of our Sunshine transmission to the Council. All of the documents that we are referring to today should be available via Council Services.

Councilmember Cowden: Okay. If people are watching, I want them to be well informed and have for them to have their friends come and tell us what they need.

Ms. Mahikoa: Thank you.

Council Vice Chair Kagawa: Councilmember Evslin.

Councilmember Evslin: I have a follow-up. On the document received where it talks about the mainline route improvements. I know you mentioned talking about it later. Is this paratransit changes enabling these improvements to happen now or is it scheduled sometime in the future?

Mr. Lee: That is a good question. I believe that last two (2) times we came to the floor, we stated that we would like to come back to talk more about the run-cut portion of the SRTP. The run-cut portion is where we are taking our entire system and doing an internal audit of all our finances, our system resources, and trying to better align that to better serve the community. We are at the very tail-end of all of that work. We believe that there is a set of priorities that are identified in the SRTP document that we are able to accomplish. We need to finish up and tie a nice little bow on that portion of the work before we are able to come back to the floor to have a full discussion. That is where this work is being nested in. It is in the run-cut portion of the SRTP. What is in the ordinance is not necessarily laying the foundation for the other elements, but they are happening in concert with them.

Councilmember Evslin: Thank you.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: If this passes in the next month, when will this service come online and when are these changes implemented?

Mr. Peters: We are targeting for the first of the year, January 2020.

Council Vice Chair Kagawa: Are there any further questions?
Councilmember Evslin.

Councilmember Evslin: I know you have done a fair amount of outreach, are you able to talk a little about the outreach process and how long you have been working on this.

Council Vice Chair Kagawa: You already shared that earlier.

Mr. Peters: Yes, in the beginning. I am able to speak to this as I have been personally involved in going out to visit the different agencies. We have partnered with the Department of Parks & Recreation, we visited all eight (8) Senior Centers from Kekaha to Kilauea, we have collaborated with the Agency on Elderly Affairs and attended various meetings, and we attended the Aging American Festival, most recently the Dementia Friendly Symposium. We had various meetings with Easter Seals, KADH, and the Foster Grandparents of Kaua'i. We have been involved with the monthly meetings at KDCC. We are participating in the Legislative Forum in October.

Councilmember Evslin: Thank you.

Mr. Lee: If I may add that the core of what we do when attending those meetings is to participate with the forum topics available and to be a resource for that portion of the community. It is also to specifically touch on our SRTP Plan Updates. In going out, Leonard ensured to have the material available for the participants. To ensure that group of individuals knew that our SRTP is currently being acted upon for the end goal of this ordinance. That was Leonard's specific purpose of why he went out and represented our agency at those events and groups.

Council Vice Chair Kagawa: Councilmember Cowden.

Councilmember Cowden: A big part of my constituent group is they are not old enough to vote. It is a lot of middle and high school students that use the bus. I would suggest giving this out at the middle and high schools. They are an active part of the bus users, this would be good for them.

Mr. Peters: Thank you, Councilmember Cowden. Elsie Wilcox Elementary School and the Kapa'a High School disabilities program came as we hosted a few fieldtrips to our agency. We invited them to our office and gave them a tour to educate and inform them about the services that we offer to the public.

Mr. Lee: For the Department of Education (DOE), we would love to invite you to come in. If you are listening, we would love to expand that program.

Council Vice Chair Kagawa: Thank you. With that, I would like to thank you for your information and sharing it with the public. This is only on Bill for First Reading, but it is so important. The bus is so important to our community and we would like to let everyone know what is happening and what changes are being made. I would like to thank the Council. SRTP started with Mayor Carvalho's Administration. The both of you were not on Council when Mayor Carvalho moved in this direction to address the sustainability for The Kaua'i Bus. There is people who launch ideas and criticize the progress of where we are at. The Transportation Agency partnered up with the consultants who gathered a lot of data over numerous months. The consultants assisted in coming up with this plan in being sustainable and how to make improvements. The Kaua'i Bus has come back with the results and said that "it was almost there," and now it is here. This are the result of all the work they have put it. Thank you for bringing it forward. It is now up to the Council, the legislative side, and public to agree if we are going all-in and follow everything that the data and recommendation provided by the consultants hired who are the experts in that area, or do we make changes? The legislative side is able to make changes if they public deems otherwise to change and make amendments. We do not want to make too many amendments being that we want the data to drive the decisions that are made. If you make changes that do not the follow the data, it leaves it open for you to be criticized that you are not following best practices. It will be a tough decision. It will come up in the Committee Meeting. We will see what the public has to say. This is only first reading, look how many questions were asked. That shows how important The Kaua'i Bus is. We should not be overcharging the people who are riding the bus. Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. I will reserve my questions, frontload them if possible, and wait for my response in the Committee Meeting. I want to first thank you folks for the outreach that you have explained and done. I feel that it is really important. For those who have not been on the Council, this is approximately two and one half (2 ½) years in the progress. Presented this year, there is a lot of outreach happening in terms of moving forward. My first question is regarding implementation as it relates to this ordinance. Although we have done a lot of outreach, what is going to happen when we reach that point is feedback given regarding experiences that will be less conducive regarding people's expectations. We are basically weening ourselves off of the paratransit system. There will be a lot of upheaval. As we move into Committee, I would like to hear how we are addressing this equally. I know there is training provided to prepare our drivers with education and outreach, as we move forward, this is really important. From my perspective, the second question I would like us to prepare for is the cost savings. We created this for a specific reason. With this ordinance and all of the mechanisms we are trying to implement, what do we stand with the increases that are gained and what do we stand with regarding cost-savings? This goes back to the questions asked previously by our Councilmembers. What is the gap between those cost-savings and what where we need to be for the increased capacity that we are asking to provide? If I am able to see projections on this, I would really appreciate that. Thank you, Mr. Chair.

Council Vice Chair Kagawa: Is there any further discussion? For the public, I want to be fair. Do not blame Mayor Kawakami. This started from former Mayor Carvahlo. It is with timing, we now have a new mayor. However, this started prior to him coming onboard. I would like to make that clear. Councilmember Kuali'i.

Councilmember Kuali'i: Being that I am not really clear, Celia when you were answering Councilmember Cowden's questions earlier and talking about twenty-nine dollars (\$29) per trip, is that twenty-nine dollars (\$29) per trip per rider?

Ms. Mahikoa: Yes.

Councilmember Kuali'i: In essence, if this is severely reduced for ADA and the one dollar (\$1), two dollar (\$2), four dollar (\$4), or five dollar (\$5) amount...the highest individual fare amount for a single ride would be five dollars (\$5)?

Ms. Mahikoa: I believe the highest amount per rider would be four dollars (\$4).

Councilmember Kuali'i: The monthly pass is being increased, so it would be four dollars (\$4). Is the actual cost is twenty-nine dollars (\$29)? As the Mayor talked about social justice and public transportation, when you look at the big picture regarding costs, the increase and fare pricing is somewhat minimal.

Ms. Mahikoa: Right, thank you.

Council Vice Chair Kagawa: If former Councilmember Yukimura were here, she would say "More people riding the bus is less traffic on the road." We hoping

that we are able to do something to reduce our traffic. With that, thank you, good job.

Ms. Mahikoa: Thank you.

Council Vice Chair Kagawa: Is there anyone from the public, step on up.

Ms. Erie: Alix Erie, for the record. First of all, I may have not caught it earlier or saw anything pertaining to the route fare for the normal fare. Is that going to be changing for the fixed-route? Will that be staying the same rate of two dollars (\$2)? Okay, that was my first question. Secondly, there should be a discounted fare for people who qualify as low-income or very low-income and not only for disabled. Finally, regarding priority seating could also be made for pregnant women or a person with a stroller and several children.

Council Vice Chair Kagawa: Thank you.

Mr. Hart: For the record, Bruce Hart. I would like to thank the Transportation Agency. I have been coming to Council for a while. I was here since the beginning of this discussion. As all Councilmembers and many members of the public, I am really upbeat about seeing the progress that the Transportation Agency has made. I believe we are all made aware that The Kaua'i Bus is subsidized at the rate of twenty-nine dollars (\$29) per person. However, I do believe if all of the factors could be calculated, it really does not cost us twenty-nine dollars (\$29) per person. What is happening is we are saving in other areas. If we have more people riding The Kaua'i Bus, we will need less roads et cetera. I believe there is a significant portion of the population that uses the bus. It is essential to their lifestyle. I personally spoke to the Transportation Agency more than once about a day pass, which I now see included. I hope our tourists, our visitors will be made aware of the day passes. From inquiries and research, there is a desire for tourists who do not want to rent a car, use the bus, and they want that day pass. I am happy to see the progress, and I look forward to the Committee Meeting. Thank you.

Council Vice Chair Kagawa: Is there anyone else? Anyone for a second time?

Ms. Erie: As a final thought, the normal route fare could eventually be raised for tourists to pay more. For people who have very low-income, they could have a lower fare. Eventually perhaps making a distance based fare. If you are only going to one (1) stop, you would pay for one (1) fare, and if you are going to thirty (30) stops, you pay a different fare. That could be something for future consideration.

Council Vice Chair Kagawa: Thank you.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Is there any further discussion from the members? Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. I love what you folks did in the outline to summarize the "such as." I feel that it does us a service in providing this to the community. Everything that you are proposing is in line with the study provided. I am in full support. As we move into the Committee, the other question that comes up is in terms of the variability, which I feel is a double-edged sword. If we are looking at variances as it relates to ADA, we should be looking at the ADA process. I am not saying to give more work to the departments, but to really look at how the community will receive the clearances that is needed. There are many different needs out there, let us be sure that is clear. Thank you.

Council Vice Chair Kagawa: Councilmember Evslin.

Councilmember Evslin: I would like to thank you folks for coming and for the tremendous amount of community outreach that you did on this. At times we receive information and the community outreach has not been done and we get slammed. Thank you, for doing the work ahead of time. In our questions, we spend a lot of time focusing on some of the increasing fares. Also included in here are decreases, and incentives for people to shift use to the fixed line route. I would like to mention that this is not only increasing amounts across the board, it also adds decreases to fixed line, and an incentive to use the fixed line. It would be great to provide clarification at the Committee Meeting if you had a chart of every current fare, and to include what the change is going to be, if there is any new fare of a one (1) day pass, or a discounted rate for bulk rides. It would be good for myself and the public to see what the actual changes are. It is a little difficult for me to understand what they are. Lastly, I would like to give you folks another shout out. As most have already mentioned, this is an essential service that you provide. It is not only reducing possible congestion on our roads, but more importantly, it is essential for some people to get to work. On Kaua'i, it is almost impossible to live here without a car. We have houses that are very far from our jobs, and it is long commutes for people to take. You are providing a way for people do get to work that do not have means for a car, and you are doing all that you are able to make this service as easy as possible for the people. In example, if you are going to work on the weekend, you do not have to get there two (2) hours early or be late for your job. Thank you for doing what you are doing. Right now, I believe you are the most important social justice agency within our County.

Council Vice Chair Kagawa: Councilmember Kualii.

Councilmember Kualii: I would also like to say thank you for doing all of this work. I know that it represents a lot of work over time. It is exciting that we are now bringing it forward. I like the idea that you are trying to improve efficiency and that you are providing convenient ways to ride the bus. It is really important to increase ridership so the busses are full. In doing this, I know that will bring the twenty-nine dollar (\$29) cost figure down. If more people get on the bus, it will help with our cost efficiency. It will be interesting for you to show how it has been overtime and how we may be projecting it as we improve our efficiency. Thank you.

Council Vice Chair Kagawa: I believe Kalawai'a has something else to share that is important.

There being no objections, the rules were suspended.

Mr. Lee: Thank you, Chair and Councilmembers for the additional minute. I would like to share information for our department. The Kaua'i Bus is currently doing a September selfie challenge. From September 1st through September 20th, if you ride our vehicles, take a selfie, and post it to our social media page on either Instagram or Facebook, you will stand a chance to win a free bus pass. On September 20th, there will be a free day of transit on all fixed-route systems. If you have never ridden The Kaua'i Bus before and would like to give it a try, it will be a really great day for you to come out and join us. I am not certain if you are made aware; however, we have a Google Maps application active. All of our system data is loaded. You do not have to know anything about riding The Kaua'i Bus. All you need to know is where you would like to go, and it will tell you how to use our system. On September 20th, you will be able to ride for free all day long. Come on out and give it a try.

Council Vice Chair Kagawa: Thank you. What you are trying to do is share and promote The Kaua'i Bus to increase ridership. Exploring options like any private business would do.

Mr. Lee: It is attracting ridership and people who have never used our system before. We are educating and sharing with our community what transit is able to provide.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Thank you. Councilmember Cowden.

Councilmember Cowden: When you come back for Committee, if it is possible, are you able to include in our packet the list route of where the bus goes, and especially for the shuttles. That will help me to understand the opportunities we are giving and as we take seniors into the fixed-route. I pick up people regularly. I am very accustomed to where the bus does not work. I would like to see where we are placing people. I also pick up disabled people who are struggling walking up the hill at night in Anahola. I would like to review this to help me to have a better perspective of what we are actually analyzing.

Council Vice Chair Kagawa: Maybe you are able to have a second career driving The Kaua'i Bus at some point.

Councilmember Cowden: A second what?

Council Vice Chair Kagawa: A second career.

Councilmember Cowden: Yes.

Councilmember Kagawa: No, I am only joking. Thank you. Is there anyone else wishing to speak on this? Seeing none. *Mahalo*.

The motion for passage of Proposed Draft Bill (No. 2758) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 9, 2019, and referred to the Parks & Recreation / Transportation Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kuali'i, Kagawa	TOTAL – 6*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

SCOTT K. SATO, Deputy County Clerk: Six (6) ayes, one (1) excused.

BILL FOR SECOND READING:

Bill No. 2757, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN
(County of Kaua'i Planning Department, Applicant)

Mr. Sato: We received a request from the Planning Department to refer this item back to Committee on October 16, 2019.

Councilmember Chock moved to refer Bill No. 2757, Draft 1 to the October 16, 2019 Planning Committee Meeting, seconded by Councilmember Kuali'i.

Council Vice Chair Kagawa: Councilmember Chock, you are the Planning Committee Chair.

Councilmember Chock: Thank you, Mr. Chair. I would like to provide a brief update on this. There was an amendment discussed at the last meeting regarding hotels that has come to light for this community. I believe the request being made by the Planning Department is so they are able to follow up as they have received calls regarding this issue. Mr. Chair, the only thing I would ask is that our Deputy Planning Director is able to share when they are able to get this done. We

understand that this is time-sensitive and that there are residents waiting to enact on their rights. In particular, our Hula Hālau.

There being no objections, the rules were suspended.

JODI HIGUCHI SAYEGUSA, Deputy Director of Planning: Deputy Director of Planning, Jodi Higuchi Sayegusa. Our request is to defer this and to place it back on the Committee Agenda on October 16th. We believe that within the next month we will be able to meet with the community members. I believe some of those community members are trying to organize a meeting specifically on this topic. We are confident within a month we will be able to meet with them to discuss issues on hotels/motels within the Kōloa Town Core area, and other items if need be.

Council Vice Chair Kagawa: Is there any further discussion? Seeing none. Is there anyone wishing to testify on this?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none. Is there any final discussion? For me, I agree one hundred percent (100%) with Council Chair Kaneshiro that the best action would have been able to act on the Proposed Draft Bill without amendments. I felt that it was problematic to do amendments within that bill and not the appropriate time. Should those amendments that we are talking about is needing to come up again, I believe it would belong in a separate item that focusses on that issue. In this item, we are trying to correct a mistake where zoning is changed. We are moving towards a different method and we would like to change it back to how it originally stated. I understand that and I get it. Someone in the Kōloa community did not want any designation for hotel/motel within the Kalāheo Town area. However, the reality is that we have Transient Vacation Rentals (TVRs) or Airbnb's in agricultural land. We are talking about an area right in the town. It is like pounding a finishing nail with a sledge hammer. We do not need hotels/motels, TVRs, and Airbnbs on agricultural land. Agriculture should be for farming. A hotel is a business. They are talking about right in Kalāheo Town, which is a business district. If the community and businesses do not want it there, they will vote down the bill at the proper time, which will be at the Planning Meeting. Let us look at the whole picture and not only at one (1) item because we want to make a statement on hotels/motel. If we really want to make a statement, let us shut down all TVRs and Airbnbs on all agricultural land and in residential areas. For me, that is not appropriate. This is my personal feeling and I do not believe a hotel belongs in Kalāheo Town. I am all for leaving options for the future, and things do change. It is a business area right alongside the main highway, as all the other towns are on Kaua'i. That is my feeling. Councilmember Chock.

Councilmember Chock: Thank you Council Vice Chair. My only request for the Planning Department is that this time that we have within the month, as you are able to see here on the Council you have different perspectives. If the community is not together in a unified voice, we move this Bill forward, not hold back others, and start on a second bill. Thank you.

Council Vice Chair Kagawa: Councilmember Kualii.

Councilmember Kualii: I would like to ask the Planning Department if they are able to do this separately, so we are able to pass this Bill today. Why are they asking for more time on an issue that they told us is okay, and now they are hearing it is not okay?

Council Vice Chair Kagawa: It sounds like they want to make *pono* with the Community Association in which they rely on for work on other issues besides this. Your question is valid.

There being no objections, the rules were suspended.

Ms. Higuchi Sayegusa: Yes, that is correct. At the last meeting, we have heard from Kōloa members. We want to ensure an opportunity to meet with them specifically and to see if we are able to get their feelings on the current Proposed Draft Bill. If at that point it is not resolved, I believe we could be amenable to moving forward with this Bill and going back to address any issues that they may have.

Council Vice Chair Kagawa: With a second bill?

Ms. Higuchi Sayegusa: With a second bill.

Council Vice Chair Kagawa: What they are saying is that you are willing to move forward. However, you are needing a little time.

Ms. Higuchi Sayegusa: Yes.

Council Vice Chair Kagawa: You have had the discussions with the properties that wanted to have it moved and they are okay with waiting a month?

Ms. Higuchi Sayegusa: Yes, I believe that is an ample time period for us.

Council Vice Chair Kagawa: Hopefully a month would be acceptable. We want to keep things *pono* with the community groups that provide input on not only this issue, but other issues as well. We do not want to take everything at once. I believe that is their feeling. Councilmember Cowden.

Councilmember Cowden: You spoke about the Kōloa Neighborhood Center and you used the word "them." "Them" meaning Kalāheo community, and that you are going to talk to the Kalāheo community on what they think about Kalāheo and not what Kōloa thinks about Kalāheo?

Ms. Higuchi Sayegusa: I believe within the month we will meet with Kōloa. This board is essentially an attempt to restore the property rights in Kalāheo. We did not fully anticipate the issues in Kōloa. This is an opportunity for us to go to Kōloa and talk with the community members.

Councilmember Cowden: I am curious. I know for the different communities along the string, they are all different. If you go to the Kōloa Neighborhood Center, the members that show up is from Kōloa or Po'ipū, you are not talking about Kalāheo, it is not the same thing. I am wondering if there is a reach to ensure you are also hearing the Kalāheo perspective.

Ms. Higuchi Sayegusa: I did not initially work on this Bill. It is to my understanding that this came from the Kalāheo community. It was an attempt to restore the property rights and figuring out the problems.

Councilmember Cowden: Thank you.

Council Vice Chair Kagawa: Councilmember Kualī'i.

Councilmember Kualī'i: One last thing in hopes of clarification, the issue here is that Kalāheo and Kōloa is different. Kalāheo is okay with small motels on the street in their commercial areas. Supposedly, from previous input from Kōloa, they were not? Therefore, you let it be different. Now, you are hearing from people in Kōloa saying, "We want what Kalāheo has."

Ms. Higuchi Sayegusa: This is an attempt to restore some of the commercial uses within the Kalāheo Town which is along the main highway.

Councilmember Kualī'i: The entire South Plan includes Kōloa.

Ms. Higuchi Sayegusa: Yes, this transect includes Kōloa.

Councilmember Kualī'i: What are the changes that you are seeking for Kōloa, or what is the community asking for?

Ms. Higuchi Sayegusa: Being that we took a second look at the Form-Based Code currently on the books that addressed restoring the commercial uses particularly for the *kumu hula's* properties along the highway. In addition, we included hotels/motels as permitted with a Use Permit within the T4VC, knowing that on Papalina Road there are existing hotel/motel uses. This was an inclusion. We would like an opportunity to discuss this addition with the Kōloa community. T4VC is also the Kōloa Town Center area.

Councilmember Kualī'i: Thank you.

Council Vice Chair Kagawa: Are there any further questions? Seeing none, thank you.

Ms. Higuchi Sayegusa: Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Is there any further discussion?
Councilmember Evslin.

Councilmember Evslin: As a person who introduced this amendment, I would like to be clear that when I introduced it, it was after Kaʻāina Hull took the time to go back and talk to the Planning Department. It was determined that out of the South Kauaʻi Community Plan, it was a sentiment during that planning process from the Kōloa community that they did not want further hotel use, and the department could support removing this. I recognized that the amendment failed and that is a part of the process. I respect and appreciate the Planning Department going back out to say, "Give us another month to figure out the correct path moving forward." Thank you for going back out into the community and I look forward to this Bill eventually being passed.

Council Vice Chair Kagawa: Thank you. Is there any further discussion?

The motion to refer Bill No. 2757, Draft 1 to the October 16, 2019 Planning Committee was then put, and carried by the following vote:

FOR REFERRAL:	Brun, Chock, Cowden, Evslin, Kualiʻi, Kagawa	TOTAL – 6*,
AGAINST REFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Vice Chair Kagawa was noted as silent).*
Council Vice Chair Kagawa: Next item, please.

EXECUTIVE SESSIONS:

ES-1004 Pursuant to Hawaiʻi Revised Statutes Sections (HRS) 92-4 and 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Brandi Sabedra v. County of Kauaʻi, Civil No. RC 19-1-0366 (District Court of the Fifth Circuit), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1005 Pursuant to Hawaiʻi Revised Statutes Sections (HRS) 92-4 and 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), the Office of the County

Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of Special Counsel to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Chock moved to convene in Executive Session for ES-1004 and ES-1005, seconded by Councilmember Kualii.

Council Vice Chair Kagawa: Is there anyone wishing to testify on this? Please come forward.

There being no objections, the rules were suspended to take public testimony.

Mr. Hart: For the record, Bruce Hart. It was a short time ago that we were asked for fifty thousand dollars (\$50,000). I spoke the last time, and it is the same issue for me. I am curious. This is very broad and I understand that there is a need for Executive Sessions in order to discuss the details, and only a limited amount is able to be discussed out in the public. I and other members of the public are curious as to where one hundred thousand dollars (\$100,000) is going. You are asking for fifty thousand dollars (\$50,000) and you asked for fifty thousand dollars (\$50,000) the last time, it is now one hundred thousand dollars (\$100,000). I would like to express my concern. At some point, I would like to know more in detail of where the money is going and what it is being used for. Thank you.

Council Vice Chair Kagawa: Is there anyone else?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none. Is there any discussion from the members? Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. For the record, I do not have what this fifty thousand dollars (\$50,000) that we are voting on is relating to.

Council Vice Chair Kagawa: Special Counsel.

Councilmember Chock: Special Counsel for which item.

Council Vice Chair Kagawa: C 2019-201.

Councilmember Chock: As it relates to the Executive Session, which item is it relating too? I am sorry, I do not know.

Council Vice Chair Kagawa: C 2019-201.

Councilmember Chock: Okay, I got it. Thank you.

Council Vice Chair Kagawa: Roll call.

The motion to convene in Executive Session for ES-1004 and ES-1005 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Cowden, Evslin, Kuali'i, Kagawa	TOTAL – 6*,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kaneshiro	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Council Vice Chair Kagawa: Motion passes. We will need Ho'i'ke Television to stay around. We will hopefully be done with the Executive Session in a half an hour. If it is sooner, please be on-call. Thank you. With that, we will be back at 1:30 p.m. for public hearing.

There being no objections, the meeting recessed at 11:46 a.m. to convene in Executive Session.

The meeting reconvened at 11:57 a.m., and proceeded as follows:

(Councilmember Brun was noted as present.)

Council Vice Chair Kagawa: Clerk, next item please.

Ms. Fountain-Tanigawa: Chair, we are back on page 4.

C 2019-201 Communication (08/27/2019) from the County Attorney, requesting Council authorization to expend funds up to \$50,000.00, to retain Special Counsel to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations: Councilmember Chock moved to approve C 2019-201, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Are there any questions? Is there any discussion? Councilmember Cowden.

Councilmember Cowden: I would like to make a short discussion being that there has been public inquiry. I would like to state that this is because we are short-staffed, and not because we are not capable of doing the job. We do not have the staffing. There is savings that happens in other areas where we do not have the payment for that staff. It is important for the public to know that the County is impacted the same way the citizens are. When we have hardship with the cost of living issues, it is hard to hold, retain, and attract enough staff to meet all the needs of the County.

Council Vice Chair Kagawa: Is there any further discussion from the Councilmembers? Councilmember Kualii.

Councilmember Kualii: I would like to point out that some of these vacancies are relatively new. The savings there is not significant at this time, which is why I am okay with approving this money bill for fifty thousand dollars (\$50,000) for Special Counsel. In the future, if the vacancies were to remain, there would be savings, and I will ask the attorney to come back with a transfer request as opposed to a money bill.

Council Vice Chair Kagawa: We will have the attorney relay that to the County Attorney. In the future, instead of taking it out of our surplus, let us take it out of the County Attorney's budget. There should be savings in the vacancies should they continue. Is there any further discussion? Seeing none.

The motion to approve C 2019-201 was then put, and carried by a vote of 6:0:1 (*Council Chair Kaneshiro was excused*).

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:00 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ks

